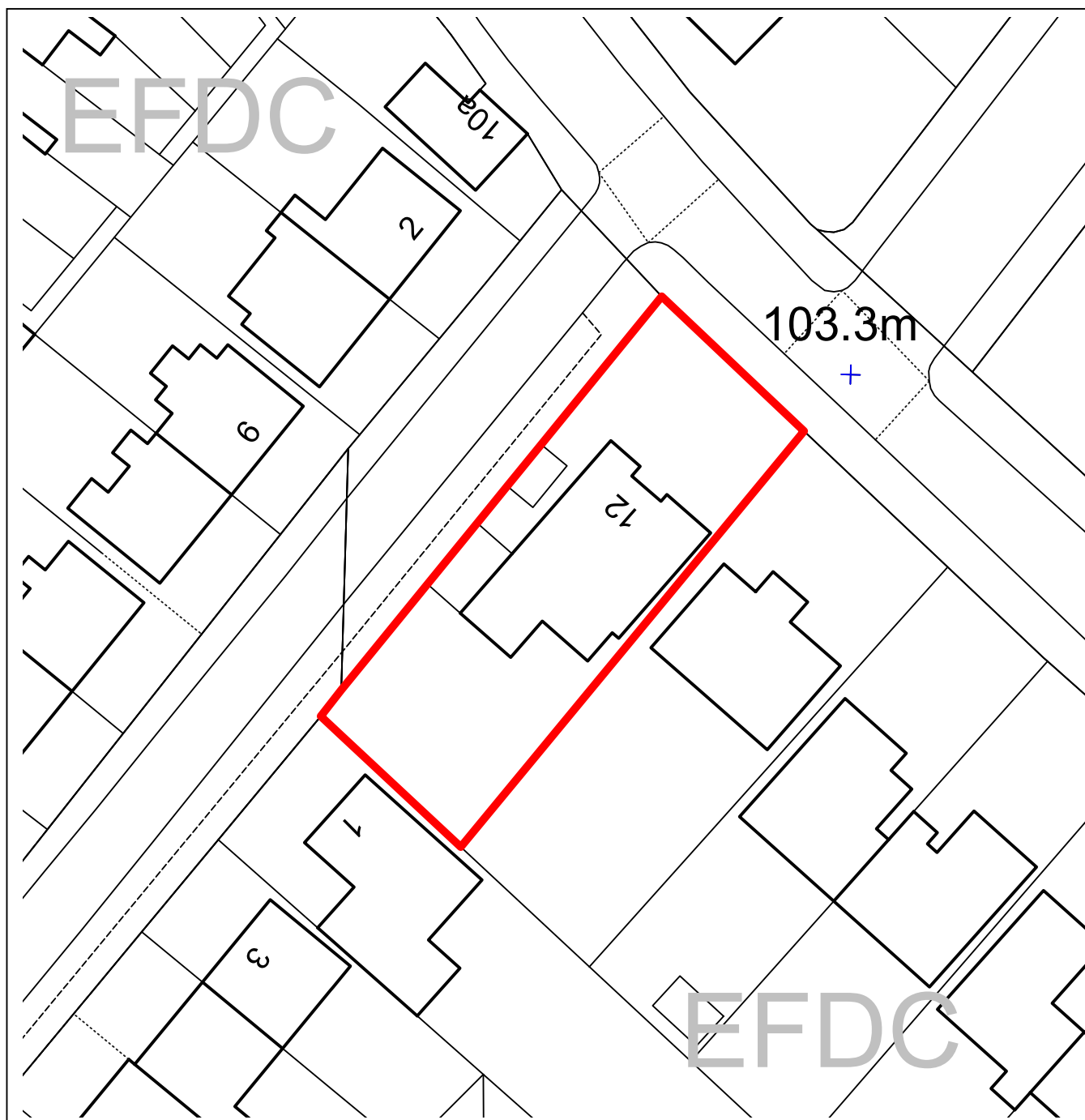






# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0282/18
Site Name:	12 Station Road Epping Essex CM16 4HN
Scale of Plot:	1:500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0282/18
<b>SITE ADDRESS:</b>	12 Station Road Epping Essex CM16 4HN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Alex Lal
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=605301](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=605301)

**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: BRD/17/070/002-A, 003, 004, 005
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed upper storey window openings in the south eastern elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 6 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 tools. 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.

- 7 Electric vehicle charging points shall be provided for use by residents of the development prior to first occupation and shall be retained thereafter.
- 8 Prior to first occupation of the dwellings hereby approved measures to improve the ecological value of the site shall be implemented in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
- 9 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

**And subject to the completion of a Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and the impacts resulting from impacts on air quality.**

*This application is before this Committee since an objection has been received from a local council, supported by at least one non-councillor resident, with material planning reasons; and since at least 5 expressions of objections material to the planning merits of the proposal have been received (Pursuant to The Constitution, Part Three: Scheme of Delegation of The Council)*

#### **Description of Site:**

The application site consists of a large detached building situated on a corner plot at the junction of Station Road and Nicholl Road. The site currently benefits from a large area of parking to the front and an attached garage to the rear.

The site is not in a Conservation Area or the Green Belt and is a short distance from the designated town centre of Epping and the immediate surrounding area is generally urban and residential in character. The property previously contained a small incidental surgery on the ground floor.

#### **Description of Proposal:**

The proposed development seeks to demolish the existing dwelling and erect a new building containing nine self-contained apartments. This would consist of six no. 1-bed units and three no. 2-bed units. The apartments would be served by a six bay car park to the front of the site with a further three bays situated to the rear, all of which would be accessed from Nicholl Road. The site would also contain a dedicated bin store, cycle store and an area of shared communal amenity space.

The new building would be two-and-a-half storeys in height with three flats on each floor (the upper most ones being contained within the roof space).

#### **Relevant History:**

EPF/0265/05 - Single storey side extension to surgery to provide disabled persons' facilities – approved/conditions 21/03/05

EPF/1127/75 - Extensions and garage – approved/conditions 09/10/75

EPU/0133/72 - Extension to existing property and conversion to form four maisonettes – refused  
21/11/72

**Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE9 – Loss of amenity  
RP3 – Water quality  
RP4 – Contaminated Land  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
NC1- SPAs ,Sacs and SSSIs  
ST6 – Vehicle Parking

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development  
H 1 - Housing Mix and Accommodation Types  
T 1 - Sustainable Transport Choices  
DM 1 - Habitat Protection and Improving Biodiversity  
DM 2 - Epping Forest SAC and the Lee Valley SPA  
DM 9 - High Quality Design

DM 10 - Housing Design and Quality  
DM 11 - Waste Recycling Facilities on New Development  
DM 18 - On Site Management of Waste Water and Water Supply  
DM 19 - Sustainable Water Use  
DM 21 - Local Environmental Impacts, Pollution and Land Contamination  
DM 22 - Air Quality

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

22 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object. The proposal is an overdevelopment of the site in terms of its scale, height, bulk, overlooking, overbearing and density, which would result in a detrimental effect on the street scene.

The proposal will result in a massive loss of amenity for neighbouring properties as the proposal is too high with three storeys and will affect other properties dramatically nearby, in terms of loss of light, overshadowing and visual impact. Committee do not feel this flats development mix is in keeping with the street scene.

The proposal does not offer enough car parking for both potential residents and visitors. There are severe parking issues in Epping and the insufficient parking from this scheme will put additional pressures on the surrounding roads.

This development would be located on a busy and congested junction, with a vast increase in the number of cars accessing the site, which would be detrimental to Highway safety and the character of the area through which the new traffic will move.

Committee object to the loss of this large family house, which are as necessary as flats and do not feel this is the most suitable location. A mix of dwelling types is required and removing large, family homes does not contribute to this objective. This proposal would also create an unwelcome precedent to the area. Generally, there isn't enough amenity space within the proposal.

New developments like this which results in unsympathetic change, overdevelopment and loss of amenity should not be permitted.

EPPING SOCIETY – Object as this is an overdevelopment of the site, would have a negative impact on the street scene due to its height and bulk, will impact on neighbours, loss of existing landscaping, inadequate car parking, and since this would set an undesirable precedent.

14 STATION ROAD – Object as the building will dominate the area, impact on neighbours amenities, will be detrimental to parking provision and traffic, as the development will be overbearing and would be out of character with the area.

16 STATION ROAD – Concerned about impact on water pressure, loss of light, traffic increase, noise nuisance, and inconveniences such as gas/electric/water disruption.

18 STATION ROAD – Object as this is unrealistically ambitious and would impact on existing facilities, traffic during construction, light to neighbours, sight lines, and the visual appearance of the area.

2 NICHOLL ROAD – Object as this development would be overbearing and incongruous, would sit in front of the roads building line, and provided insufficient parking.

3 NICHOLL ROAD – Concerned about traffic implications, impact on parking provision, loss of any of the existing grass verges, and since it is a shame to lose the existing family home.

4 NICHOLL ROAD – Object to the overall scale, height and massing of the building which is an overdevelopment of the site, would impact on the street scene, would cause a loss of light and privacy to neighbours, would be unsympathetic and out of character with the surrounding area, will impact on parking pressure and increase traffic, provides insufficient amenity space, and is contrary to other decisions within the locality.

6 NICHOLL ROAD – Object due to parking concerns, increased traffic and highway safety implications, since the height would be overbearing and cause a loss of privacy to neighbours, due to the loss of existing planting, the amenity space proposed is inadequate, and since the development falls outside of the set 'building line'.

6A KENDALL AVENUE – Object as the site is close to the conservation area but gives no consideration to this and disagree with much of the submission put forward.

8 NICHOLL ROAD – Object due to the impact on parking, water pressure, it would be out of character with the area, and would cause a loss of light and cause a potential nuisance to neighbouring residents.

8 AMBLESIDE – Object as this is overdevelopment and since it would overshadow neighbours.

10 AMBLESIDE – Object as this is overdevelopment, due to parking concerns, and since it would harm the character of the area.

17 AMBLESIDE – Object as the size and mass of the development will overshadow neighbours and would be an overdevelopment of the site, would result in increased traffic and proposed insufficient parking provision.

6 GREEN TREES – Object to the loss of a family home, overdevelopment of the site, overlooking, insufficient parking, impact on the street scene, insufficient amenity space, impact on traffic, and since there are better locations to build flats.

COURTYARD COTTAGE, HARTLAND ROAD – Object due to the size of the development, and the impact on parking and drainage.

### **Main Issues and Considerations:**

The key considerations in this application are the principle of the development in this location, design and impact on the street scene, any potential impact on neighbour amenities, and regarding parking provision/highways impacts.

### **Principle of development:**

The application site is located within the urban town of Epping approximately 80m walk from the designated Epping Town Centre. The site is also less than 500m from Epping train station, which provides trains into London by way of the Central Line. Whilst some residents in Epping commute into London for work purposes Epping is also considered to be a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor's surgeries and a hospital), local employment, and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development. Whilst the allocated sites within the emerging Local Plan will provide a suitable five-year land supply once the Plan is adopted, at the current time the Council cannot demonstrate a five-year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission in locations such as this. Such matters weigh in favour of the development.

Concerns have been raised that this proposal may set an undesirable precedent within the area, however there are already flatted developments within the immediate locality, including on the corner of Station Road and Hemnall Street; No. 17 Hartland Road (on the junction with Kendal Avenue) which was altered into five apartments in the 1970's; Glen House, which is a custom built block of multiple flats designed to appear as a single dwelling; and the recently approved block of flats at No. 3 Kendall Avenue.

Reference has been made to the recently refused application at No. 4 Kendall Avenue (EPF/2335/17) however this was purely refused for the following design reason:

*“Due to its excessive height and its width fronting onto Hartland Road and design detailing including the provision of narrow 3 storey gable features which intrude into the roof, the proposed development will result in a prominent and incongruous feature in the street scene, entirely out of scale and keeping with the prevailing pattern of development in the locality and harmful to the character and visual impact of the area. This unsympathetic change is exacerbated by the significant prominence and visibility of the site in the street scene. The proposal is therefore contrary to policies DBE1, CP2 (iv) and CP7 of the Adopted Local Plan and Alterations and with paragraph 17 of the National Planning Policy Framework which seeks to secure high quality design.”*

In terms of the principle of development the report regarding EPF/2335/17 makes it clear that *“it is considered that this proposal would allow the opportunity for a more efficient use of an existing brownfield site within a sustainable urban area and therefore the principle of flatted development in this location is acceptable”*.

Due to the above it is considered that the principle of redeveloping and making more efficient use of this sustainable site is acceptable.

#### Design:

The existing property is a sizeable two storey detached dwelling with a single storey side and rear extension. The site contains a hardstanding parking area to the front along with an attached garage to the rear. The front boundary contains a planted strip behind a low brick wall/railings, and the side boundary (adjacent to Nicholl Road) is primarily formed from a 2m high solid brick wall.

The proposed replacement building would be two-and-a-half storeys in height and would be situated on roughly the same footprint as the existing dwelling. The 'front' elevation (facing Station Road) would feature two gables and would provide direct access doors into two ground floor apartments and has been designed to resemble a pair of semi-detached houses.

The 'flank' elevation (fronting Nicholl Road) steps down by approximately 500mm and contains three small gable projections, two of which would be gabled and one of which would be pitched (to assist in softening the building). The roof line would also be broken up through a stepped back central section and the inclusion of three dormer windows. The design ethos of this elevation is such that it would have a form similar to a small terrace of dwellings.

Whilst the proposed new building would be larger in height and scale than the existing, particularly



since it would replace and extend the single storey rear projection with a two-and-a-half storey section, the site is a corner location situated on a hill that is surrounded by two storey dwellings with pitched roofs. The overall ridge height of the building would increase by approximately 1.4m, which would be some 1.3m above the ridge height of No. 14 Station Road, however would be 1.6m lower than the ridge height of the dwellings on the opposite side of Nicholl Road.

Despite the concerns about overdevelopment on the site, it is not considered that the proposal would appear cramped or out of keeping with the surrounding street scene. The corner location of the site enables a slightly more prominent building and the design and detailing goes some way to break up the visual bulk of the new development.

Concerns have been raised that the proposed development would extend beyond the 'building line' of Nicholl Road. Whilst it is accepted that the dwellings on the southern side of Nicholl Road do have a greater set back from the edge of the highway than this proposal, the existing dwelling on the site already extends beyond this notional building line and therefore the development would not introduce a new feature contrary to this but would rather reflect the existing situation on this corner junction.

The development would utilise red brick and rough cast render, timber windows, and a plain tile roof and includes traditional detailing and features that would reflect the surrounding properties. As such it is not considered that the proposal would be detrimental to the character or appearance of the area.

The proposed development would include an enclosed, secure cycle store and bin store to the rear of the site and would benefit from 147m<sup>2</sup> of shared communal amenity space (which following concerns from a neighbouring resident has been checked in terms of size).

#### Neighbouring Amenity:

The proposed new building, whilst higher and larger in overall bulk, has been laid out in such a way so that the rear projecting element steps away from the shared boundary with No. 14 Station Road at two points, meaning that the sections of new build beyond this neighbour's rear wall are set 5m and 8.1m respectively from the shared boundary. The only upper storey windows within this elevation would serve a bathroom or be a high level rooflight to an internal hallway and therefore can be conditioned to be obscured glazed with fixed frames up to 1.7m in height to ensure that they do not result in any overlooking or loss of privacy.

Concerns have been raised about potential overlooking to the dwellings in Nicholl Road since the existing dwelling has no upper storey flank windows in this elevation. Whilst this development would introduce ten upper storey windows into a location where there are currently no windows these would be at a distance of some 19m from the windows of the neighbouring properties, would be across a public highway, and would face onto the front elevation of the properties on Nicholl Road. As such it is not considered that the development would have any greater impact than a standard street with houses opposite each other and as such would not cause any excessive or undue loss of privacy to these neighbours.

Given the distances from the neighbouring properties/shared boundaries it is not considered that there would be any detrimental impact on neighbour's amenities as a result of loss of light or outlook, including any potential overbearing impact.

Concerns have been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are however suggested in order to minimise any impact on neighbours.

### Parking provision/highways:

One of the key concerns of neighbouring residents appears to be regarding parking provision and the potential impact that this development would have on the surrounding road network.

The proposal includes the provision of nine off-street parking spaces situated within two areas (six to the front of the site and three to the rear). The Essex County Council Vehicle Parking Standards recommends one off street parking space for 1-bed units and two off-street spaces for 2+bed units, along with visitor parking provision. In this instance the standards would require fourteen parking spaces. However the Parking Standards does state that “*a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities*”. Given the location of the site just outside of the designated town centre of Epping and within easy walking distance of Epping Station it is considered that a lower provision of parking would be acceptable in this instance.

The two parking areas would both be served by new vehicle crossovers on Nicholl Road, which would replace the two existing crossovers currently serving the front garden and rear garage of the existing property. As such the development would not have any significant impact on on-street parking provision. Whilst it is accepted that there is existing parking stress within Epping, given the location of the site it is considered that the proposed development would provide sufficient off-street parking to serve future residents and therefore should have no significant impact to on-street parking stress.

The positioning of the northern most access point was amended by request of Essex County Council, who raise no objection to the development. Whilst there would be some additional traffic as a result of the proposal over and above the existing use of the site, this increase would be minimal in comparison to the overall traffic within the locality and therefore would not be excessive or significant in terms of additional pressure or highway safety concerns.

### Epping Forest Special Area of Conservation:

The application site lies within 6.2km of the Epping Forest Special Area of Conservation (SAC). As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the SAC as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects of air quality throughout the District. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures and air quality on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policies DM 2 and DM 22. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a legal agreement and recognises that the level of contribution is to be agreed after the committee.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that electric charging points are provided for the development to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

### Other considerations:

#### *Land Drainage:*

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required which can be dealt with by condition.

Concerns have been raised about the potential impact that the development would have on water pressure. In line with policy DM 19 of the Epping Forest District Council Local Plan Submission Version, a condition should be imposed to ensure that a water efficiency standard of 110 litres (or less) per person per day is provided on site in order to avoid any additional water stress.

**Conclusion:**

The redevelopment of this site would make more efficient use of a previously developed site. Whilst the development would result in the loss of a large family house it would provide a suitable mix of one and two-bed units and would assist in the Council meeting its five-year supply of deliverable housing sites.

It is not considered that the development would be detrimental to the character or appearance of the street scene nor would it have an excessive detrimental impact on the amenities of surrounding residents.

Given the extremely sustainable location of the site, one off-street parking space per unit is considered to be adequate and therefore the development should have no greater impact on parking pressure, nor would it be excessively detrimental to vehicular traffic or highway safety.

Due to this it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant adopted and emerging Local Plan policies and the application is therefore recommended for approval, subject to the applicant first entering into a legal agreement to secure mitigation measures for the Epping Forest SAC.

***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:***

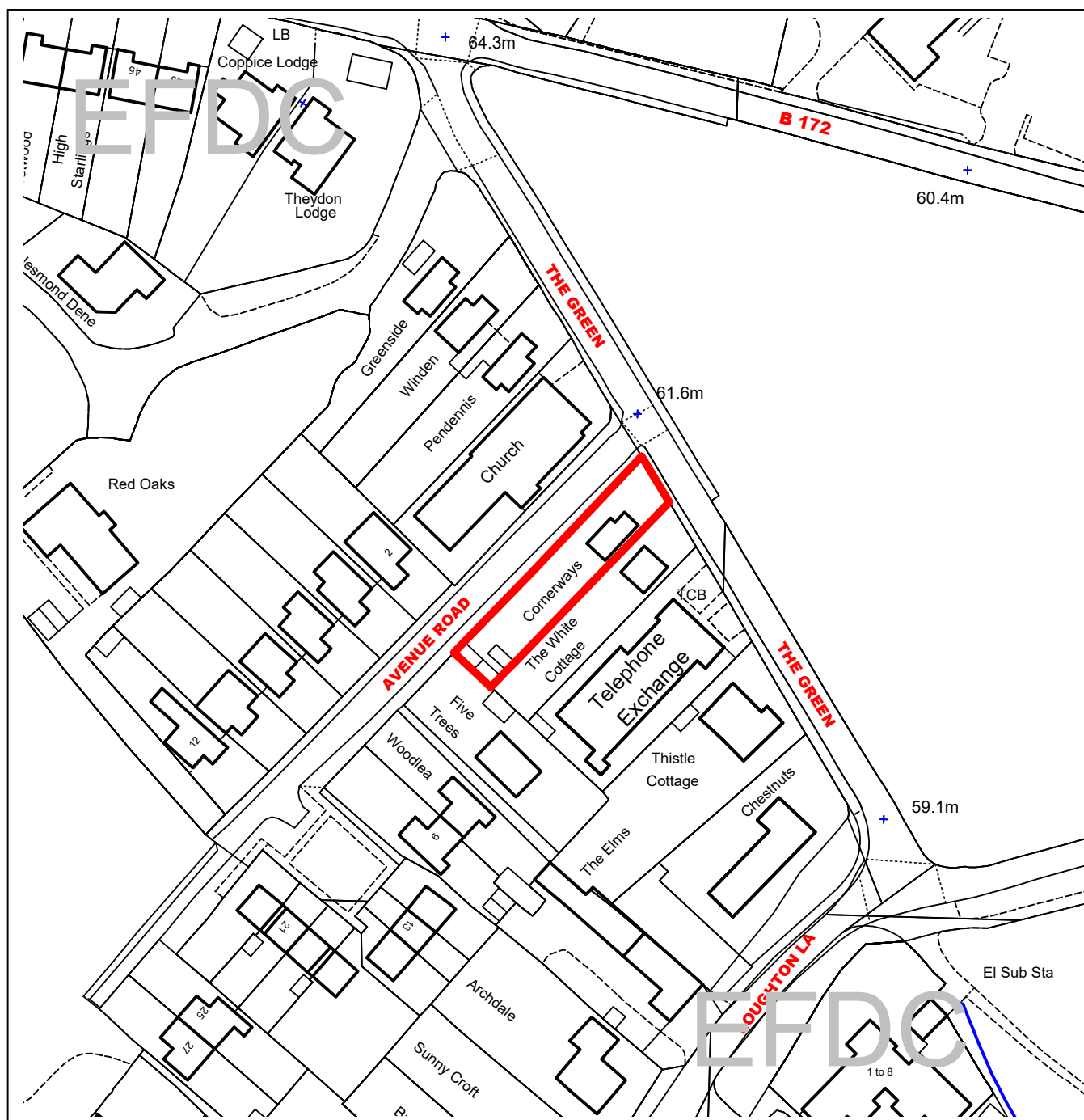
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/0712/18
Site Name:	Cornerways, The Green, Theydon Bois, CM16 7JH
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0712/18
<b>SITE ADDRESS:</b>	Cornerways The Green Theydon Bois Epping Essex CM16 7JH
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs Gillespie
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement of existing dwelling house with new single family dwelling house and new pavement crossover
<b>RECOMMENDED DECISION:</b>	Grant Permission (with conditions)

**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=606853](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=606853)

**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: A001, A-02, A-06a, A07a, A08a and A09a
- 3 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 10 A screen not less than 1.8m high measured from the balcony floor level, constructed in etched or otherwise obscured glazing or similar, shall be fitted to the south-east side (facing the White Cottage) of the balcony hereby approved prior to its first use. The screen shall thereafter be retained and maintained in the built form unless otherwise agreed by the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A - D inclusive of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation.
- 13 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and as there are additional objections from residents (Pursuant to The Constitution, Part Three: Scheme of Delegation)*

**This application was deferred from the last committee to enable members to visit the site.**

**Description of Site:**

The application site comprises a two storey detached dwelling on a corner plot located on the south west side of The Green with a return frontage to the south side of Avenue Road. The existing building has a simple brick and tile form with a hipped roof and projecting front bay section and a small lean-to extension at the rear. A single garage is located in the back of the garden with access onto Avenue Road.

Properties in The Green comprise a mix of uses which include predominantly residential properties as well as the church on the opposite corner of the Avenue Road junction and the telephone exchange building which abuts the neighbouring house to the south. Buildings have a range of architectural styles, indicating a piecemeal pattern of original development.

**Description of Proposal:**

The application is a resubmitted proposal for the demolition of the existing house and a replacement dwelling. Permission is sought for a two storey, 4 bedroom dwelling. The building aligns at the front with the existing built frontage and the two storey element includes a crown roof, projecting over the staircase in a cat slide feature above the staircase which terminates 1m from the side boundary. The ground floor extends a further 3m at the rear, part of which is set back to create a covered canopy. At first floor, there is a half width balcony set 5m from the boundary with the adjoining house. A flat roof single storey element wraps around the front and side forming part of a porch and garage/store.

The application proposes a white painted render finish to the external walls, and a zinc cladding to the main roof. Solar panels are shown on the rear, south west facing roof slope. There are two parking spaces on the frontage, with a new crossover, and the existing garage at the rear is shown as retained.

**Relevant History:**

EPF/3403/16 Replacement of existing dwelling house with new single family dwelling house and new pavement crossover – refused on design, bulk and proximity to boundary; resultant appeal dismissed.

**Policies Applied:**

**Epping Forest Local Plan (1998) and Alterations (2006):**

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP7	Urban form and quality
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
LL11	Landscaping schemes
ST6	Vehicle parking

### NPPF:

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP7	Natural Environment, Landscape Character and Green Infrastructure
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM9	High Quality Design
DM15	Managing and reducing flood risk
DM16	Sustainable drainage systems
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Number of neighbours consulted: 22

Responses received: Three responses have been received, as follows:

WHITE COTTAGE, THE GREEN –The immediate neighbour has made a number of detailed comments covering:

- The design is not significantly different to the refused scheme
- Design out of keeping with the street scene, resulting in significant change



- Garage at front not designed for parking and intended for living space (Comment – this is indicated as a motorcycle/ cycle/ garage, not intended or sized for vehicles)
- Crossover is too close to Avenue Road junction.
- Level of parking would allow future rental to commuters
- Roof height too high and higher than objector's property (Comment –the height has been reduced since consultation)
- Future extensions should be restricted
- Rear projection is excessive
- Balcony at rear causes overlooking (Comment – at the time of consultation, the balcony extended across the full width, this has now been reduced to half width)
- No Right of Light Assessment has been undertaken (Comment – not a material planning consideration)
- Materials and finishes out of character; the zinc roof finish is not appropriate
- Industrial boiler flue inappropriate (Comment – this type of flue is becoming common with wood burners. It is located between the buildings and set around 10m back from the frontage with minimal visual impact).
- No asbestos survey of existing building (Comment – not relevant to this application)

The objector makes other speculative comments wholly irrelevant to the application.

**2 THE HEIGHTS, FOREST DRIVE** – This objector comments that the development would not blend with the surrounding area and that the balcony would result in overlooking. Comments are also made that there is no need to replace the existing dwelling which only needs refurbishing, and the frontage could be retained with improved parking at the rear, but these are personal views not relevant to the application.

**27 AVENUE ROAD** – Raises concerns at the new vehicle access to the frontage, concerned at the potential hazard close to the junction in light of the overall level of parking on The Green.

**PARISH COUNCIL** -: Theydon Bois Parish Council objected to the application, commenting:

*The Parish Council acknowledges that the design of this proposal is an improvement over the previously refused application. However, it still fails to overcome the reasons for refusal of that application.*

*The overall height, scale and bulk of the proposal has not been addressed, in fact the bulk of the roof has increased since the split roof would now be replaced with a fully-hipped crown roof, being 3.5m high from the eaves to the ridge. The total height of the property would be 9m, as opposed to 7.8m of the existing property. The height and design of the side elevation, which was previously criticised, still generally reflects that of the previous proposal.*

*The non- vernacular materials proposed, particularly the zinc roof which was highlighted in the reason for refusal of the previous application, still remains.*

*Due to the above, the proposal still fails to respect its setting and would lead to an overly visually prominent dwelling, out of keeping with the street scene and harmful to the character and visual amenity of this sensitive location overlooking the Village Green.*

### **Main Issues and Considerations:**

#### **Material considerations from previous refusal / appeal; decision**

In considering the application, the decision in respect of the earlier application, and particularly the subsequent appeal decision are material to the determination of the latest proposal. The application was refused for one reason, as follows:

*Due to the design, detailing, size, bulk and proximity to the side boundary of the plot with Avenue Road and the non vernacular materials proposed, (in particular the zinc roof), the replacement dwelling fails to respect its setting and will be overly visually prominent, out of keeping with the street scene and harmful to the character and visual amenity of this sensitive location overlooking The Green. The development is therefore contrary to policies, CP2, CP7, and DBE1 of the Adopted Local Plan and Alterations and Paragraph 64 of the National Planning Policy Framework*

The Inspector at the subsequent appeal identified two key issues in the design of the building and its impact on Avenue Road. The Inspector commented on the proposed built form; *"Whilst the height of the proposal would remain in keeping with the adjoining dwelling, the split level roofing would contrast with the more traditional rooflines and due to the prominence of the site, would create a development which would detract from the existing focal buildings and would not reflect the existing character and appearance of the dwellings along this part of The Green."*

On the latter, the Inspector commented: *"It would also introduce elements of the first floor which would be set in from the side boundary and a sloping pitch feature. Whilst the overall increase in the scale over and above the existing dwelling would be relatively minimal in terms of its depth, the proposal would result in a wider dwelling. The combination of the contemporary design of the side elevation facing onto Avenue Road and the increased proximity to the side boundary would result in a dominant building which would be overly prominent within, and harmful to, the street scene. Although the side boundary treatment would remain, the proposal would include the blank flank wall of the garage sited up to, and forming part of, the side boundary which would also result in a dominant feature."*

The Inspector concluded as follows|:

*"Whilst the dwelling would remain in line with the front elevation of the existing dwelling, which would retain a sense of openness when viewed from The Green, when viewed from within Avenue Road the increase in built form of the proposed dwelling would have an enclosing effect given the prominence of the site and the overall design of the proposed dwelling. This would be harmful to the visual character when looking towards the open space and would result in a loss of openness from this viewpoint which would not be sufficiently mitigated by the retention of the trees within the site.*

*The proposed development would utilise timber and render for the external elevations and zinc roofing, which would contribute to giving the dwelling a lighter appearance. The use of timber and render are present on other properties in the surrounding area and materials in the wider area are varied. However, the acceptability of the materials would not be sufficient to mitigate against the harm to the character and appearance of the area as a result of the contemporary design and dominance of the proposed side elevation.*

*The proposed design, particularly in terms of the front and side elevations facing The Green and Avenue Road, would introduce a contemporary feature which would fail to integrate with the existing street scene. As a result it would be harmful to the character and appearance of the surrounding area."*

#### Design response and considerations

The revisions to the proposals should be considered in the context of the Inspectors comments. The contemporary, split level roof design is replaced by a crown roof. Timber cladding panels are replaced by a more consistent rendered finish, painted white like the neighbouring house. The

overall height of the building has been reduced since the Parish Council commented and is now consistent with the height of the neighbouring house.

The whole building is now set back from the Avenue Road boundary – the two storey staircase element is a minimum of 1 metre from the footway and the remainder of the first floor is 2m from the boundary; the ground floor garage on the corner is a minimum of 600mm.

In the context of the Inspector's comments, officers consider that these aspects of the revisions address the issues of wider architectural form, scale and massing and the enclosing nature of the development in relation to the side boundary.

The application does retain the zinc roof finish. In this regard, it is noted that the Inspector does not argue against this, commenting that the zinc cladding gives the building a lighter appearance, and further comments on the 'acceptability of the materials'. While officers have sought, consideration of a more traditional tiled form, the applicants have argued that this approach is highly sustainable, and a reasonable approach in the broader context.

Consideration of issues such as materials are subjective and finely balanced. Officers acknowledge that a zinc finish would introduce a different element to the street scene but in the context of the site not being in a conservation area or close to listed buildings, question whether such diversity has a harmful or detrimental effect. Your officers take the view on balance that the other changes to the form and siting of the building are such that they overcome the previous objections to development.

#### Impact on neighbouring occupiers

In noting the specific comments from the immediate neighbour, the proposed building follows the rear building line of the previous application with the bulk of the rear projection beyond the neighbours extension at single storey only. The proposed rear balcony, on half the width of the building, is similarly located and sized to the previous scheme. It is some 5 metres from the boundary and includes a screening panel to the side. Thus having previously accepted this aspect of the development had no substantive adverse impact, there is no reason to change this view.

#### Parking considerations

As to parking, the application indicates parking for three vehicles, above the requirement in adopted standards for a dwelling of this size. The front vehicle access lies a minimum of 6 metres from the junction which allows for safe access and egress notwithstanding existing highway parking arrangements on street. It is noted that the Highway Authority do not object to the application.

#### Other considerations

The site lies within 3km of the Epping Forest Special Area of Conservation, and the application has been assessed in the context of policies DM2 and DM22. However, the requirement for contributions under these policies applies to additional dwellings only, not to proposals solely replacing buildings on a one-for-one basis.

#### Conclusion:

Having regard to the Inspectors appeal decision and all material considerations, officers take the view that the alterations to the overall size, general form and siting of the building have addressed the principle reasons for refusing the previous application which were supported by the appeal inspector.

The use of a zinc roof still evidently divides opinion and requires an element of subjective assessment. The key questions are whether the introduction of a different roof material has a significant impact on the character of this non-designated location, whether zinc cladding is an inappropriate material for a dwelling, and whether this finish has a particular adverse impact on the building. If, as officers conclude, the answer to all three is no, then the application should be approved.

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

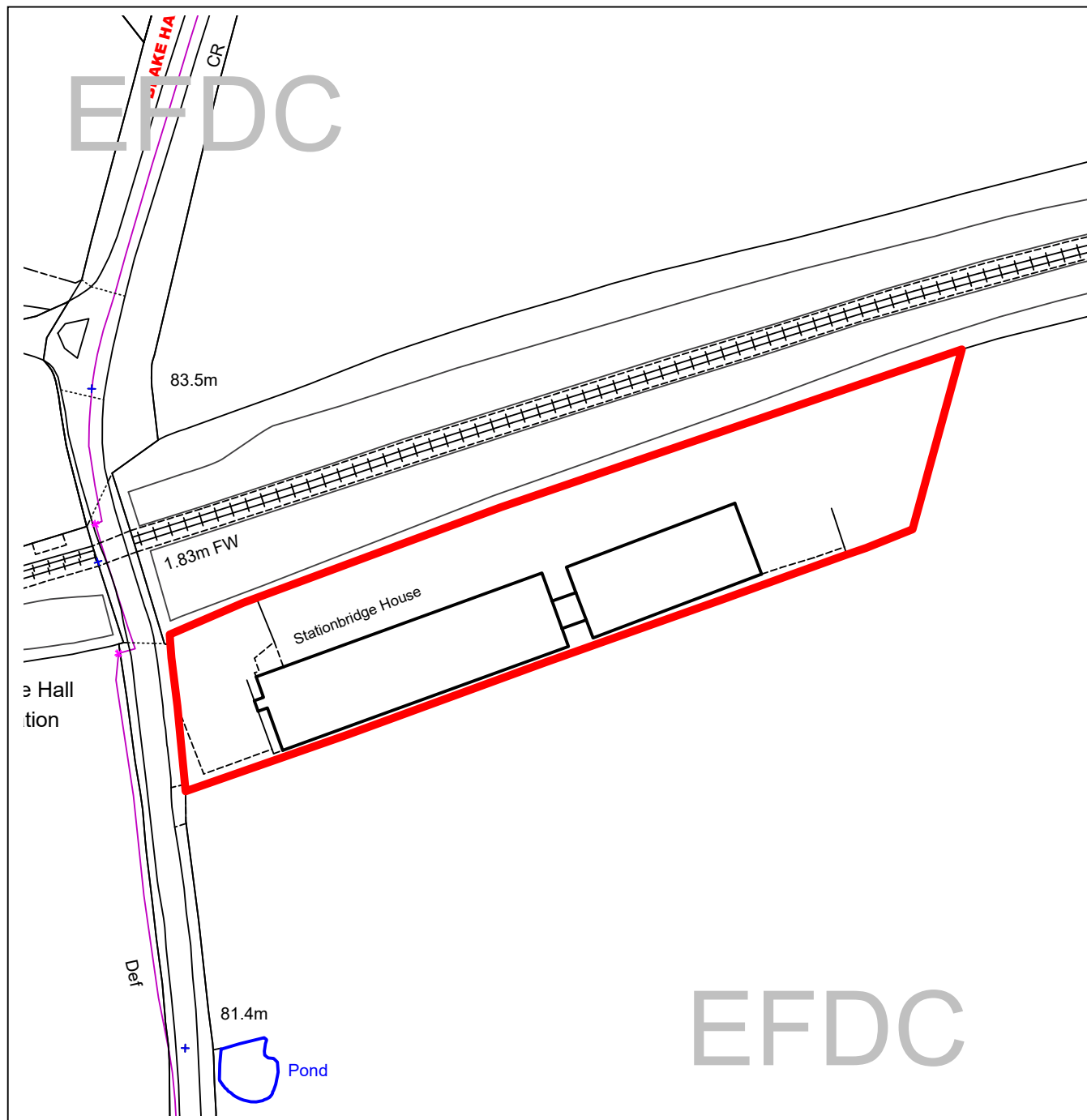
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0763/18
Site Name:	Stationbridge House Blake Hall Road, Bobbingworth, Ongar CM5 9LW
Scale of Plot:	1:1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0763/18
<b>SITE ADDRESS:</b>	Stationbridge House Blake Hall Road Bobbingworth Ongar Essex CM5 9LW
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Ms Greta Banister
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing warehouses and construction of 10 no. dwellings (amended scheme following previous approval).
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=607114](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607114)

**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: 878-PL-001, 002A, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted or 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.

- 5 The soft landscaping to the east, west and south boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 6 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) have 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.
- 7 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out and shall be retained as such in perpetuity.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9 There shall be no discharge of surface water onto the Highway.
- 10 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 11 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 12 Prior to first occupation of the dwellings hereby approved a biodiversity enhancement plan shall be submitted to and agreed in writing by the Local Planning Authority.
- 13 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.
- 14 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 15 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline

remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 16 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 17 Following completion of 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.
- 18 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 19 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.



**And the completion by the 10<sup>th</sup> September 2018 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement to secure a financial contribution of £115,000 towards affordable housing. In the event that the developer/applicant fails to complete a Legal Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.**

*This application is before this Committee since it is an application for residential development consisting of 10 or more dwellings (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation of The Council)*

### **Description of Site:**

The application site consists of a commercial site containing two large warehouse buildings along with associated hardstanding, parking, etc. used for B8 (Storage and Distribution). The site is located on the eastern side of Blake Hall Road immediately south of the Epping Ongar railway line.

The site is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone. An extant planning consent exists for the redevelopment of the site in order to provide ten residential dwellings ref: EPF/2432/16.

### **Description of Proposal**

Consent is being sought for the demolition of the existing warehouses and construction of 10 no. four bed detached dwellings. The proposed development would include a single estate road accessed from Blake Hall Road along with off-street parking provision and associated amenity space.

### **Relevant History:**

EPF/2432/16 - Demolition of existing warehouses and construction of 10 no. dwellings – approved/condition (subject to legal agreement) 14/03/18

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP8 – Sustainable economic development  
CP9 – Sustainable transport  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
H2A – Previously developed land  
H3A – Housing density  
H5A – Provision for affordable housing  
H6A – Site thresholds for affordable housing  
H7A – Levels of affordable housing  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity

LL10 – Provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones  
U3A – Catchment effects  
RP3 – Water quality  
RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP 1 - Presumption in Favour of Sustainable Development  
SP 6 - Green Belt and District Open Land  
H 1 - Housing Mix and Accommodation Types  
H2 - Affordable housing  
E 1 - Employment Sites  
T 1 - Sustainable Transport Choices  
DM 1 - Habitat Protection and Improving Biodiversity  
DM 2 - Epping Forest SAC and the Lee Valley SPA  
DM 3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM 4 - Green Belt  
DM 9 - High Quality Design  
DM 10 - Housing Design and Quality  
DM 11 - Waste Recycling Facilities on New Development  
DM15 - Managing and reducing flood risk  
DM 18 - On Site Management of Waste Water and Water Supply  
DM 19 - Sustainable Water Use  
DM 21 - Local Environmental Impacts, Pollution and Land Contamination

**Summary of Representations:**

17 neighbouring properties were consulted and a Site Notice was displayed.

PARISH COUNCIL – None received.

BLAKE HALL STATION, BLAKE HALL ROAD – Object due to the loss of industry/employment and since the proposed ten dwellings is inappropriate to the area which is characterised by traditional properties.

SPRINGBANK, BLAKE HALL ROAD – Concerned about the access and feel that a lower speed limit would be better for this road.

EPPING ONGAR RAILWAY – Object due to the loss of employment and this existing commercial use is ideally suited to this site and its redevelopment would not strengthen the rural economy, since the proposal would introduce ten new homes that may be disturbed by the Epping Ongar Railway, and since the design of the proposal would be out of character with the area.

**Issues and Considerations:**

**Principle of development:**

This application is an amendment to a recently approved, and still extant, planning consent to redevelop the site in order to provide ten dwellings. The key differences in this application over and above the existing consent are that all ten dwellings would be detached and are of a slightly different design to those previously agreed.

**Green Belt:**

The application site is located within the Metropolitan Green Belt and is a commercial site containing large warehouses and is predominantly laid to hardstanding. It was previously accepted that the redevelopment of the site meets one of the exceptions to inappropriate development as laid out within the NPPF (both previous and recently revised).

The proposed ten new dwellings would be detached rather than a mix of detached and semi-detached houses, however would be almost identical in terms of volume. As such the proposal would continue to result in a 23% reduction in built form on the site. Furthermore the proposed development would continue to reduce the level of hardstanding covering the site and would enable the provision of additional landscaping. As such the proposed development would not have any greater impact on the openness and character of the Green Belt over and above the existing development on the site or that previously granted consent under EPF/2432/16 and therefore continues to meet one of the exceptions to inappropriate development.

**Loss of employment:**

The proposed redevelopment of this site would involve the loss of a commercial employment site. Whilst policy E 1 of the Submission Version of the Local Plan seeks to protect existing employment land this site already benefits from an extant, very recent, planning approval for redevelopment and therefore it is not considered that the loss of employment would constitute a reason for refusal in this instance.

### Design:

The site is located within a very rural setting adjacent to Blake Hall Station and the Landscape Character Assessment places this site within 'G6 – Stapleford Tawney and Stanford Rivers'. The area is characterized as *"small scale settlement patterns, encompassing isolated farmsteads and the small, nucleated villages of Stapleford Tawney and Stanford Rivers"* and comments that *"open and framed views across gently undulating farmland are characteristic of this area"*. It concludes that the area is considered to have a moderate to high sensitivity to change. The suggested landscape planning guidelines are that *"any new development within the farmland is small scale, responding to historic settlement pattern, landscape setting and locally building styles"*.

The density of the proposed development would be 20 houses per hectare, which is below the recommended 30-50 dwellings per hectare as stated within policy H3A. However given the rural nature of the site a lower density scheme would be more appropriate.

The proposed development would remove the existing unsightly warehouse buildings and introduce dwellings that have been designed to reflect the traditional buildings seen within the district with some more contemporary detailing (such as in the fenestration). Variation would be provided through the use of different house types combined with alterations in the external materials. Whilst the linear layout of the dwellings is somewhat suburban in form this reflects the constraints on the size and shape of the site and would reflect the linear built form of the existing warehouses. The impact of this row of dwellings would be softened and screened through the use of appropriate landscaping, which would include a 3m wide landscape buffer along the southern and eastern edge of the site. As such it is considered that the proposed redevelopment would be an improvement to the overall character and appearance of the area.

The site is visible when viewed from the south and whilst the proposed dwellings would be no higher than the existing warehouses on site the east, west and south boundaries would require suitably landscaping to ensure that the development is not overly visually intrusive within this very rural setting. There is a strong tree line to the north of the site on the railway embankment. This limits views of the site when looking from the north. Although these trees are off site, and the site already has hardstanding, it is appropriate to include a tree protection condition to ensure that any overhang is not impacted on by development activities and that any new surfacing is porous and takes into account the presence of tree roots.

### Amenity considerations:

Given the location of the site distant from any surrounding neighbours the proposed redevelopment of the site would have no physical impact on the amenities of nearby residents.

Each of the proposed houses should be served by private amenity space in excess of 100m<sup>2</sup>, which is in line with the recommendations contained within the Essex Design Guide.

Concern has been raised by the operator of the Epping Ongar Railway that the introduction of ten new households will lead to complaints of noise and disturbance from the operational railway, primarily since the train drivers are obliged to sound their horn at this stretch of railway due to the presence of a pedestrian crossing. Any future occupant purchasing a property on this site would be fully aware of the existing railway line and therefore any such matters are 'buyer beware'. The presence of a railway line does not preclude residential development, as can be seen throughout the district (and the Country) and consent has already been granted for the residential redevelopment of the site.

In addition the application site is separated from the railway line by a dense band of trees that would assist in mitigating noise nuisance from the railway line.

### Highways:

The proposed residential development would be served from Blake Hall Road. Whilst the visibility to the north of the access is restricted due to the presence of the bridge the development would reduce vehicle movements below the current use and would remove any associated HGV traffic as well, to the benefit of all highways users. It is due to this that Essex County Council Highways raise no objection to the proposal.

Each of the proposed dwellings would be served by at least two off-street parking spaces and there are two designated visitor parking spaces proposed within the site. As such the proposal complies with the requirements of the Vehicle Parking Standards.

### Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

Work is on-going with Natural England and the Conservators of Epping Forest in agreeing a joint interim strategy for mitigation against any potential harm. However the latest advice from Natural England makes it clear that at the current time any residential development within 6.2km of Epping Forest SAC is likely to have an impact on visitor pressure and any residential and employment proposals within Epping Forest District as a whole are likely to have an air pollution impact.

The application site lies outside of 6.2km distance from the Epping Forest SAC and therefore the proposed development would not be likely to give rise to significant effects on the Epping Forest SAC with regards to increased recreational pressure.

On the issue of air quality impact on Epping Forest SAC, this application has been accompanied by a Transport Impact Report showing that the proposed development would reduce vehicle movements associated with the site. Natural England was consulted on the submitted Transport Impact Report and raised 'no comments'. Whilst they make it clear that this lack of comment does not imply that there are no impacts on the natural environment they do state that "*the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes*".

Based on the above it is clear that a reduction in the number of vehicle movements associated with the site would be of net benefit to air quality and, as confirmed by Natural England's response, the proposed development would not be likely to give rise to significant effects on the Epping Forest SAC with regards to air pollution either alone or in combination with other developments. Therefore, as the competent authority, it can be reasonably concluded that this particular proposal will not need to be subject to a project level Habitats Regulation Assessment.

In addition to the above, as required by policy T 1 of the Epping Forest District Council Local Plan Submission Version, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

### Other Considerations:

#### *Affordable housing:*

The previous approval was subject to a financial contribution of £100,000 in lieu of on-site affordable housing. The viability of the new scheme has been reassessed and it is now proposed

to raise this contribution to £115,000, which is acceptable and would comply with policy requirements in terms of affordable housing provision.

*Flood risk:*

The site lies within an Epping Forest District Council flood risk assessment zone and the development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As was required under the extant consent, a Flood Risk Assessment is required, which can be dealt with by condition. Further details of foul and surface water drainage are also required by way of a condition.

*Contamination:*

The application has been accompanied by a Phase 1 Environment Report, however this report has not identified the former military use of this site (military goods yard) and adjoining site to the south, the 2004 fire at a sleeper treatment yard identified by the EA as located at this site, and the potential for the septic tank soakaway and any diesel/fuel oil leaks/spillages to provide a potential source of ground gases. As such the report would need to be satisfactorily revised and, if identified, any contamination would need to be suitably mitigated. As such Land Contamination conditions would be required.

**Conclusion:**

This application is an amendment to a previously approved and extant planning consent and proposes the same number and size of properties as previously agreed. Since the site constitutes the redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development the proposal would continue to not constitute inappropriate development.

Whilst the site is not well located in terms of sustainable transport modes or served by local services/facilities and the redevelopment would result in the loss of the existing employment site, consent has recently been granted for a similar redevelopment and therefore these factors would not constitute reasons for refusal.

The design and layout of the proposed dwellings would be acceptable and would result in visual improvements to the wider area and there would be the opportunity to provide additional landscaping to the site. Furthermore this development would provide additional housing to assist in the Council meeting its five-year land supply. As such the proposed application complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan and Submission Version Local Plan policies and is recommended for approval.

***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:***

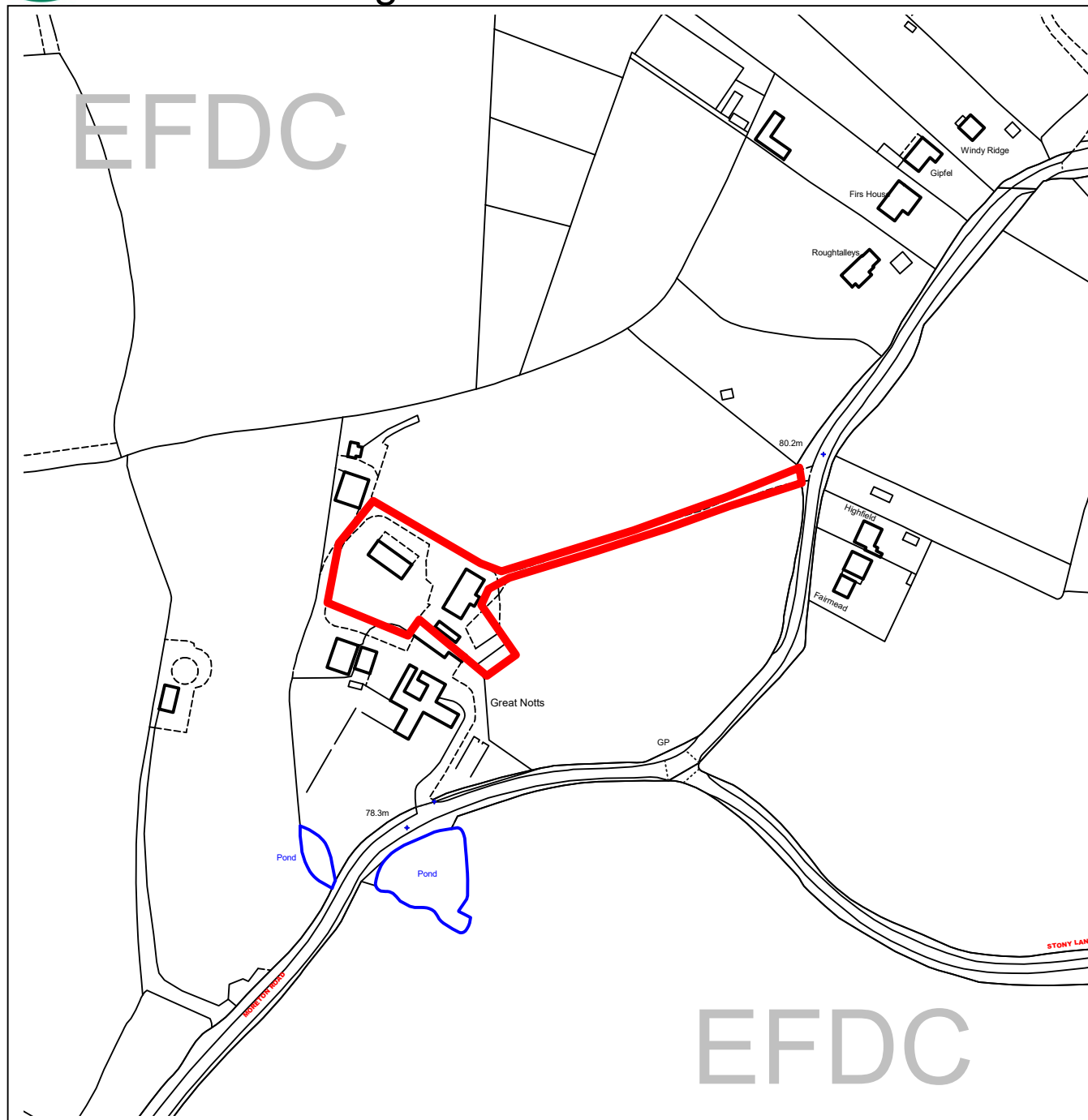
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0904/18
Site Name:	Barn adjacent Great Notts Moreton Road Bobbingworth OngarCM5 0LU
Scale of Plot:	1:2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0904/18
<b>SITE ADDRESS:</b>	Barn adjacent Great Notts Moreton Road Bobbingworth Ongar Essex CM5 0LU
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mrs Shirley Bates
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed conversion of existing barn to form a single detached residential unit, retaining existing access and on-site car parking.
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=607633](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=607633)

**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: 18/31008/002, 18/31008/003, 18/31008/004, 18/31008/005, 18/31008/006, 18/31008/007, 18/31008/008.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]



- 5      Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 6      Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 7      Following completion of 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.
- 8      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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 9 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.

**And subject to the prior completion of a section 106 agreement to secure a suitable contribution toward mitigation measures with regard to Air Quality impact on the Epping Forest Special Area of Conservation.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and since a majority of the neighbours consulted have raised objection (Pursuant to The Constitution, Part Three: Scheme of Delegation)*

**Description of Site:**

The application site was originally part of the grounds of 'Great Notts' having been subdivided into the current site following the sale of 'Great Notts' a number of years ago. The barn, being one of several outbuildings on the overall site, was erected approximately 16 years ago to serve the agricultural smallholding. The site is located to the north of Moreton Road and is accessed by an existing gate and driveway. 'Great Notts', lies 26m south-west of the barn which is 10m from the shared boundary. The site is located within the Metropolitan Green Belt.

**Description of Proposal:**

Permission is sought for the conversion of an existing barn into a single detached residential unit, retaining existing access and on-site car parking. The existing barn has a maximum width of 18.7m, a maximum depth of 8.4m, eaves height of 5m with a hipped pitched roof with pitch height of 9.7m. The gable-end projection on the east elevation has a maximum width of 4.5m, a maximum depth of 2.1m, eaves height of 5m with a pitch height of 7.8m. Whilst internal alterations are proposed the overall mass and footprint of the existing building remains the same. The materials remain as existing with farmhouse mixed red profiled roof tiles, stock facing bricks and black stained timber weatherboarding to the walls. The east elevation would involve the replacement of the metal shutter door with a feature door and window along with the insertion of 6 additional windows at ground and first floor level as well as a soil vent pipe on the roof. The west elevation would see the insertion of a large feature window straddling the ground and first floor with 2 entrances proposed at ground level along with 6 additional windows at ground and first floor level. The roofslope of the west elevation would include a dormer window set in from the eaves and below the pitch flanked on either side by two pairs of rooflights as well as a soil vent pipe. The north elevation would have 2 windows at ground level and 2 windows at first floor level with a chimney flue on the roof. The south elevation would remain unchanged. The existing pedestrian and vehicular access from the main road will remain unchanged.

**Relevant History:**

EPF/1493/99 - Demolition of sheds and replace with two storey barn: Conditional Planning Permission 24/03/00.

EPF/0438/05 - Change of use from agricultural barn/store to residential occupation: Refused Planning Permission 29/04/05.

EPF/0597/06 - Change of use of existing barn to provide a leisure annexe to be used ancillary to main residence: Refused Planning Permission 17/05/06.

EPF/0790/07 - Change of use of existing barn to provide a leisure annexe to be used in connection with main house: Refused Planning Permission 24/05/07. (Dismissed on Appeal 29/02/08)

ENF/0721/11 – Enforcement Notice regarding an agricultural barn used as residential (Appeal dismissed but varied 22/05/14)

### **Policies Applied:**

#### **Epping Forest Local Plan (1998) and Alterations (2006):**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP9 – Sustainable transport  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Provision for landscape retention  
LL11 – Landscaping schemes  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones  
U3A – Catchment effects  
RP3 – Water quality  
RP4 – Contaminated land

#### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### **Epping Forest District Local Plan (Submission Version) 2017:**

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved

objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 – Presumption in favour of sustainable development  
SP6 – Green Belt and district open land  
SP7 – The natural environment, landscape character and green infrastructure  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM2 – Epping Forest SAC and the Lee valley SPA  
DM4 – Green Belt  
DM9 – High quality design  
DM10 – Housing design and quality  
DM19 – Sustainable Water Use  
DM15 – Managing and reducing flood risk  
DM18 – On site management of waste water and water supply  
DM21 – Local environment impacts, pollution and land contamination  
DM22 – Air Quality

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

3 neighbouring residents were consulted.

WINDY RIDGE – Object on the grounds of inappropriate change of use from agricultural to residential.

TY GWYN – Object on the grounds of inappropriate development and highways concerns.

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – Object on the grounds that the applicant has stated that justification for the conversion of the barn to form a single detached residential dwelling is for the management and overseeing of the campsite activities. The application site does not include the area of land upon which the camp site is located, and as such should not be considered as part of this application. Furthermore, if the camp site is required to have a permanent management presence, then it is the camp itself which is not suitable. The barn was erected for agricultural use, and the applicant has not supplied any evidence as to why its intended use is no longer viable, especially considering the rural nature of the area.

### **Main Issues and Considerations:**

The main issues in the determination of this application are whether the development is appropriate in the Green Belt, the design of the development, parking and highway safety implications and contamination.

#### **Design and Appearance:**

Policies DBE1, DBE2 and DBE4 of the Local Plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new development should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties. The proposed conversion would retain the existing footprint and would see no increase in height. The elevational design is well thought out and is considered to be acceptable.

#### **Amenity:**

Given the generous plot, the proposal retains more than adequate amenity space for occupiers

and visitors to the camp site and would accord with policy DBE8.

#### Impact on Neighbours:

The barn is located 26m from the nearest neighbouring dwelling and 10m from the shared boundary. The layout and design of the proposed conversion is proposed such that all new windows would be situated away from the neighbouring property. The south elevation would remain unchanged. This, and the distance involved, would ensure that there would be minimal additional impact caused by the proposal. The proposal is not considered to adversely impact the amenities of the adjoining neighbour having regard to Local Plan policy DBE9.

#### Green Belt:

The site lies within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The erection of buildings within the green Belt is considered inappropriate development unless they meet one of the exceptions as laid out within the National Planning policy Framework (NPPF) or where the harm is clearly outweighed by very special circumstances.

Paragraph 146 of the NPPF clarifies that *“the re-use of buildings provided that the buildings are of permanent and substantial construction”* is an exception to inappropriate development in the Green Belt. This is reflected within Local Plan policy GB8A, and residential conversions are also subject to policy GB9A, which states that *“conversion for residential use must not require such changes to buildings that their surroundings, external appearance, character and fabric could be unsympathetically or adversely affected. This includes features such as new curtilages, boundary treatment (including walls and fences), windows, door openings and chimneys”*.

Whilst the principle of converting the existing building, which is clearly of permanent and substantial construction, would generally comply with the above mentioned exception to inappropriate development and Local Plan policies GB8A and GB9A, the history of the site complicates matters since the Local Planning (and subsequently the Planning Inspectorate) were not convinced that the building, once erected, was ever used for agricultural purposes. Planning Permission was refused in 2005 for the change of use of this agricultural barn/store into residential accommodation with the following refusal reason given: *“the proposed development is at odds with Green Belt Policies GB8 and GB2 of the Adopted Local Plan and Policy C2 and RE2 of the adopted replacement Structure Plan for Essex and Southend on Sea, because it would result in a change of use from a recently erected agricultural building to a residential dwelling thereby introducing a further residential unit on the site, which would detract from the rural character and amenity of the area. The Local Authority is not convinced that the building is not suitable for any alternative, more appropriate use or that it is so desirable that they should be brought back into beneficial use that residential should be considered. Furthermore the very special circumstances put forward in this case are not considered sufficient to overcome the harm caused by the development”*. A planning Enforcement Notice was served and upheld on appeal in 2014 for the change of use of the barn into a mixed use of residential and agriculture. The notes from the last visit by the Planning Enforcement Officer in 2017 said *“following my site inspection of the barn I can confirm that the steps she has taken to comply with the Enforcement Notice are acceptable, namely the removal of all panel doors, architrave, skirting boards, radiators, down lighting and all domestic furniture. The second floor has not been removed as stated in the Enforcement Notice, however providing it is used for agricultural storage purposes only the Council do not think it expedient to pursue with its removal”*.

A Design and Access Statement has been submitted which discusses among other matters the history of the site and the requirement for the applicant to have an on-site presence in order to run the camping business currently operating on the site. Following my site visit, and taking into

account the notes recorded by the Enforcement Officer, it is accepted that the barn is no longer used for residential purposes. It was also stated on site that the building when originally erected was used for agricultural purposes. Notwithstanding the Council's previous doubts that the barn was ever used for agricultural purposes it is accepted that the building was erected in 2001 and it does not appear that any unlawful residential use took place for a number of years (it is noted that there is no mention of any residential use within the Officer's report for Planning Application EPF/0438/05 and an Enforcement Investigation was not opened until 2011).

As such, the building has been on site for some 17 years, and despite doubts about its original use, it is considered it is now being utilised as an agricultural building. It was clear from my site visit that the applicant no longer runs an agricultural business on the site but is engaged in running an adjacent camp site. The proposal includes a residence with a workshop and office and the change of use would not be likely to result in any significant detrimental harm to the Green Belt through vehicle movements, activity or residential paraphernalia, particularly given the adjacent camp site use. On balance it is considered that the change of use of the existing barn from agricultural use to residential use would preserve the openness of the Green belt and therefore would not constitute inappropriate development.

#### Parking and Highways:

The Highway Authority Engineer of Essex County Council has reviewed the application and has provided the following comment: From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and Policy T1 of the Local Plan (Submission Version) 2017.

Informative

The proposal will use an existing access into the site.

#### Contamination:

The Council's Contaminated Land Officer has reviewed the application and provided the following comment: Due to the former agricultural (poultry & piggeries) and stables uses of the site since 1929 there is the potential for contaminants to be present over all or part of the site. Domestic dwelling gardens are classified as a particularly sensitive proposed use. The answers to Question 14 on the Application Form relating to land where contamination is suspected for all or part of the site and to a particularly vulnerable use should therefore have been marked yes and, as detailed on the application form, an appropriate contamination assessment should have been included with the application. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition, although this will cause pre-commencement delays. I would recommend that the standard land contamination conditions SCN87, 87A, 87B, 87C and 87D are attached to any approval granted.

#### Other Matters:

The proposal is in close proximity to a High-Pressure Gas Pipeline. National Grid has No Objection to the proposal provided that works are carried out in strict adherence to their guidelines and rules. This can be attached as an informative.

Any conversion of the barn could impact on bats or barn owls. Therefore surveys would need to be undertaken prior to commencement of works and if the presence of bats or barn owls is revealed then adequate mitigation and compensation would need to be agreed. This can be dealt with by condition.

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

### **Conclusion**

In conclusion it is considered that the proposed barn conversion is acceptable. The proposal would not constitute inappropriate development harmful to the Green Belt. The conversion would not adversely impact the amenity of the donor building and provides adequate private amenity space for future occupiers. As such, the proposal complies with national and local planning policy and guidance and is recommended for approval with conditions and subject to a legal agreement to secure suitable air quality mitigation measures.

**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: Patrick Flanagan**  
**Direct Line Telephone Number: 01992 564101**

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



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/106218
Site Name:	Land adj no 24 Vicarage Road, Coopersale, CM16 7RB
Scale of Plot:	1:1250 (approx.)



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1062/18
<b>SITE ADDRESS:</b>	Land adj no 24 Vicarage Road Coopersale Epping Essex CM16 7RB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Chris Hoare
<b>DESCRIPTION OF PROPOSAL:</b>	The proposed development is the erection of 2, two storey detached houses with rooms in the roof in place of the existing site (Tennis court and unused green area).
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=608258](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=608258)

**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: TCTC-06017-PL-01, 134.PL02, 134.PL03, 134.PL04, 134.PL05, 134.PL06.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.

- 5 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.
- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 7 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 tools. 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.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 10      Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11      Following completion of 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.
- 12      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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13      No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 14      No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including

wheel washing.

6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 16 Prior to first occupation of the development the vehicular accesses, at their junction with the highway, shall not be less than 3 metres in width and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 17 There shall be no discharge of surface water onto the Highway.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 19 An electric vehicle charging point shall be provided for each dwelling prior to first occupation and shall be thereafter retained.
- 20 Prior to the first occupation of the dwellings hereby approved measures to improve the ecological value of the site in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority.
- 21 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

**And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and appropriate measures to mitigate potential impacts on air quality.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal and where additional objections from residents have been received (Pursuant to The Constitution, Part Three: Scheme of Delegation)*

#### **Description of Site:**

The application site currently consists of a parcel of garden related to The Gatehouse, Coopersale Common. It currently contains a tennis court and vegetation, including two TPO trees, and is bordered by a high brick wall. The site is bordered to the northeast by a public footpath and benefits from a gated pedestrian access onto Vicarage Road. To the south of the site is The Old Rectory, which is a Grade II listed building. The site is surrounded by residential properties and is located within the village boundary of Coopersale outside of the Metropolitan Green Belt.

#### **Description of Proposal:**

Consent is being sought for the erection of two detached dwellings fronting onto Vicarage Road. The proposed dwellings would each measure 10.5 metres in width and 9.5 metres in depth with

crown topped roofs reaching a height of 8.1 metres. The proposed houses would each be 5 bedroom properties with individual vehicle access, parking provision and rear amenity space. They would be set back 12 metres from the edge of the highway and approximately 6.4 metres behind the front wall of the adjoining neighbour at No. 24 Vicarage Road. The application proposal matches the scheme previously granted Conditional Planning Permission under EPF/1172/15.

### **Relevant History:**

EPF/1172/15 – Erection of 2, two storey detached houses with rooms in the roof. Conditional Planning Permission. Granted at East Area Committee July 2015

### **Policies Applied:**

#### **Epping Forest Local Plan (1998) and Alterations (2006):**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL9 – Felling of preserved trees  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
NC1 - SPAs, SACs and SSSIs  
NC4 - Protection of established Habitat

#### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### **Epping Forest District Local Plan (Submission Version) 2017:**

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 – Presumption in favour of sustainable development  
H1 – Housing mix and accommodation types  
T1 – Sustainable transport choices  
DM3 – Landscape character, ancient landscapes and geodiversity  
DM9 – High quality design  
DM10 – Housing design and quality  
DM11 – Waste recycling facilities on new development  
DM18 – On site management of waste water and water supply  
DM21 – Local environmental impacts, pollution and land contamination  
DM22 – Air Quality

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

18 neighbouring residents were consulted.

EPPING TOWN COUNCIL – Object on the following grounds:

- 1) No details are provided of the vehicle parking that would be provided on the proposed site.
- 2) The site has very limited street parking and there is intense pressure on car parking in the area.
- 3) The tree report provided is not up to date as there are a number of established trees to be felled on the site.

EPPING SOCIETY – Object to the proposal as being relatively large relative to the surrounding properties, the additional storey is out of character with the surrounding street scene and the third storey will overlook, they suggest the proposal should be slightly lower without the rooms in the roof, no vehicle parking details were submitted for this application.

21 VICARAGE ROAD – Object to the proposal on the grounds of overlooking and loss of privacy.

23 VICARAGE ROAD – Object on the grounds of parking and traffic impact of the proposal and overdevelopment of the area in combination with the new housing estate nearby resulting in strain on services and facilities.

24 VICARAGE ROAD – Object as the proposal combined with 12 additional houses under construction since the previously granted conditional planning permission EPF/1172/15 as well as the possibility of 6 further houses being developed represents overdevelopment and risks changing the character of the village. Reiterated previous objections to planning application EPF/1172/15; the development is out of character with the street scene and wider area, it is an overdevelopment of the land, there would be a detrimental impact on local schools, infrastructure, etc., and due to the impact on the adjacent listed building.

## **Main Issues and Considerations:**

The key issues within this application are the suitability of the site for such a development, amenity considerations, design, and regarding highway and parking concerns.

### **Principle of Development**

Planning permission was granted at committee for this development in July 2015. That permission has now lapsed but remains a material consideration.

### **Suitability of site:**

The application site is located within the village envelope of Coopersale, which is a small settlement predominantly residential in nature but containing amenities such as a school, small parade of shops and a public house. Given that 92.4% of the District is designated Green Belt the principle of further development within existing settlements outside of the Green Belt such as this are generally considered to be appropriate.

Although Coopersale is not well served by public transport there are local facilities within the village such as a small row of shops (Parklands Local Centre), a Primary School, a cricket ground and a Public House (the Garnon Bushes). Furthermore, whilst not within a reasonable walking distance, the village is a relatively short distance from the main town of Epping.

The surrounding residential dwellings primarily consist of semi-detached or detached houses on relatively constrained plots, particularly those to the east on the opposite side of the alleyway. The erection of two dwellings on this 0.1 hectare site equates to 20 dwellings per hectare, which is significantly lower than the recommended 30-50 dwellings per hectare in Policy H3A. As such, the erection of two dwellings would clearly not constitute 'overdevelopment' of the site indeed ideally a larger number of smaller properties could potentially make better use of the land.

Epping Forest District Council is currently in the process of preparing a new Local Plan, where sites will be identified for residential development, however at present it cannot demonstrate a five year supply of housing sites as required by the NPPF. The proposed development would assist in the provision of a five year supply of land for housing and it has been shown in several recent appeal decisions, both within and outside of the district, that the provision of additional housing in an area where there is a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

### **Amenity considerations:**

Whilst objections have been raised in terms of a proliferation of new housing developments in the locality, it is not considered that the provision of two additional dwellings would have an unacceptable impact in terms of sustainability and pressure on local services and facilities nor would it result in excessive harm to the character of the locality. The proposed dwellings would be set further back from the edge of the highway than the neighbouring property at No. 24 Vicarage Road and, as a result of this, House 1 would extend approximately 4.5m beyond the rear wall of this neighbouring dwelling. Despite this, the proposed new house would be located 4.4m from the flank wall of the neighbouring dwelling and would not encroach a 45 degree angle as measured from the closest rear window in this neighbouring property.

The only upper storey windows within the flank elevations of the proposed new dwellings would be high level hallway windows and high level rooflights, none of which would result in any loss of privacy to neighbouring properties.

The proposed dwellings would benefit from amenity space measuring 189m<sup>2</sup> (Plot 1) and 236m<sup>2</sup> (Plot 2), which both exceed the recommended 180m<sup>2</sup> required for each house. The amenity space for each dwelling would be located to the rear and side and would be suitably private and usable.

There are two TPO trees located along the western boundary of the site. The submitted tree report has demonstrated that the proposed development can take place without a detrimental impact on these, or any other trees shown to be retained. As such the majority of the established landscaping will be retained on the site, which would assist in softening the overall appearance and impact of the development.

The Trees and Landscape Section has raised no objection to the scheme.

#### Design:

The proposed new dwellings would be two storey detached properties with an additional third floor within the roof space. Each of the properties would be largely symmetrical in appearance and would have hipped roofs with two front gable projections and a small central flat roofed dormer window. The dwellings would have projecting bay windows at the front and rear that extend up to second storey level and would benefit from an open fronted porch and rear veranda.

The proposed dwelling would be traditional in appearance and would utilise plain clay tiles on the roof and a mix of brick and render on the walls to match the existing dwellings within Vicarage Road and St. Albans Road. The third storey is fully integrated within the roof area and therefore the proposed dwellings would be just 200mm higher than the neighbouring properties on Vicarage Road and would have a matching eaves height. Therefore they would not appear as over dominant three storey properties.

Whilst the majority of dwellings along Vicarage Road and St. Albans Road are semi-detached properties that share a single design (although several have been extended to the side, which provides some variation) the five detached dwellings to the immediate northeast of the site (No's 25-33 St Albans Road) differ in terms of type, size and appearance to the remainder of the road. Given the location of the proposed new dwellings and the significant set-back from the edge of the highway it is considered that an alternative appearance to these houses would not be unacceptable. Whilst the properties would not mirror the built form or appearance of the run of houses along Vicarage Road it is not considered that this development would be detrimental to the character and appearance of the street scene.

#### Highways and parking issues:

The proposed new dwellings would be served by two new vehicle crossovers onto Vicarage Road. Since Vicarage Road is unclassified the crossovers themselves do not require planning consent, simply consent from Essex County Council Highways. Nonetheless, the proposed new vehicle crossovers would provide separate access to each property and the gravelled front garden areas can accommodate at least three off-street parking spaces.

Concern has been raised that the new access points would cause highway safety issues and a conflict with pedestrians, particularly that serving House 2 given its proximity to the public footpath. No objection has been raised by the ECC Highways Officer and it is proposed to replace the existing high brick wall that currently runs adjacent to Vicarage Road with a low picket fence. Therefore there would be clear visibility between anybody exiting the new properties and pedestrians using the public footpath or the pavement. As such it is not considered that the proposed access points would have any adverse impact on highway safety or cause conflict with pedestrians.



The Essex County Council Vehicle Parking Standards requires 2 spaces per 2+ bedroom residential units plus 0.25 visitor parking spaces per dwelling. Therefore there is a requirement for a total of five off-street parking spaces to serve the two proposed dwellings. Given that each dwelling would have its own individual access and parking area it is proposed to provide space for at least 3 off-street parking spaces for each property (although a maximum of four could be squeezed onto the front garden of House 2). This would be accommodated whilst still retaining some landscaped areas and existing trees. Since the proposal exceeds the requirements as laid out within the Vehicle Parking Standards it complies with Local Plan policy ST6.

Concern has been raised by neighbours with regards to the loss of on-street parking which would result from the proposed vehicle crossovers and it is stated that there are existing parking problems on these roads. Although the vehicle crossovers would remove existing on-street parking spaces this element of the proposal does not require planning consent, just Essex County Council Highways consent. Furthermore no objection has been raised by the ECC Highways Officer and as such it is therefore not considered that the impact on on-street parking would be unacceptable.

#### Epping Forest Special Area of Conservation (SAC):

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

#### Other considerations:

There is the potential for made ground used in the construction of the existing Tennis Court and adjoining hardstanding (demolition waste, tar/bitumen asphalt, ash & clinker) to contain contaminants. As domestic dwellings with gardens are classified as a particularly sensitive proposed use land contamination investigations are required. As remediating worst case conditions should be feasible this matter can be dealt with by conditions.

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a flood risk assessment is required for the development, which can be dealt with by condition.

#### Conclusion:

Planning permission has previously been granted for this development and whilst we now have an up to date submission version Local Plan and a new NPPF there has not been any significant change in policy or material considerations since that last approval, other than the potential impact on the Epping Forest SAC.

The provision of additional housing within this undesignated village location would be acceptable in terms of sustainability and would not constitute overdevelopment of the land. Whilst the design and positioning of the proposed dwellings would differ from the predominant pattern of development within Vicarage Road the proposal would not be detrimental to the character and appearance of the street scene, particularly when taking into account the detached dwelling to the immediate northeast of the site. The proposal would retain the TPO trees, along with other existing trees, would provide adequate private amenity space and off-street parking provision, and would not result in a detrimental impact on neighbours amenities or highway safety. As such the

application complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval subject to the completion of a legal agreement to secure appropriate mitigation with regard to the Epping Forest SAC.

***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:***

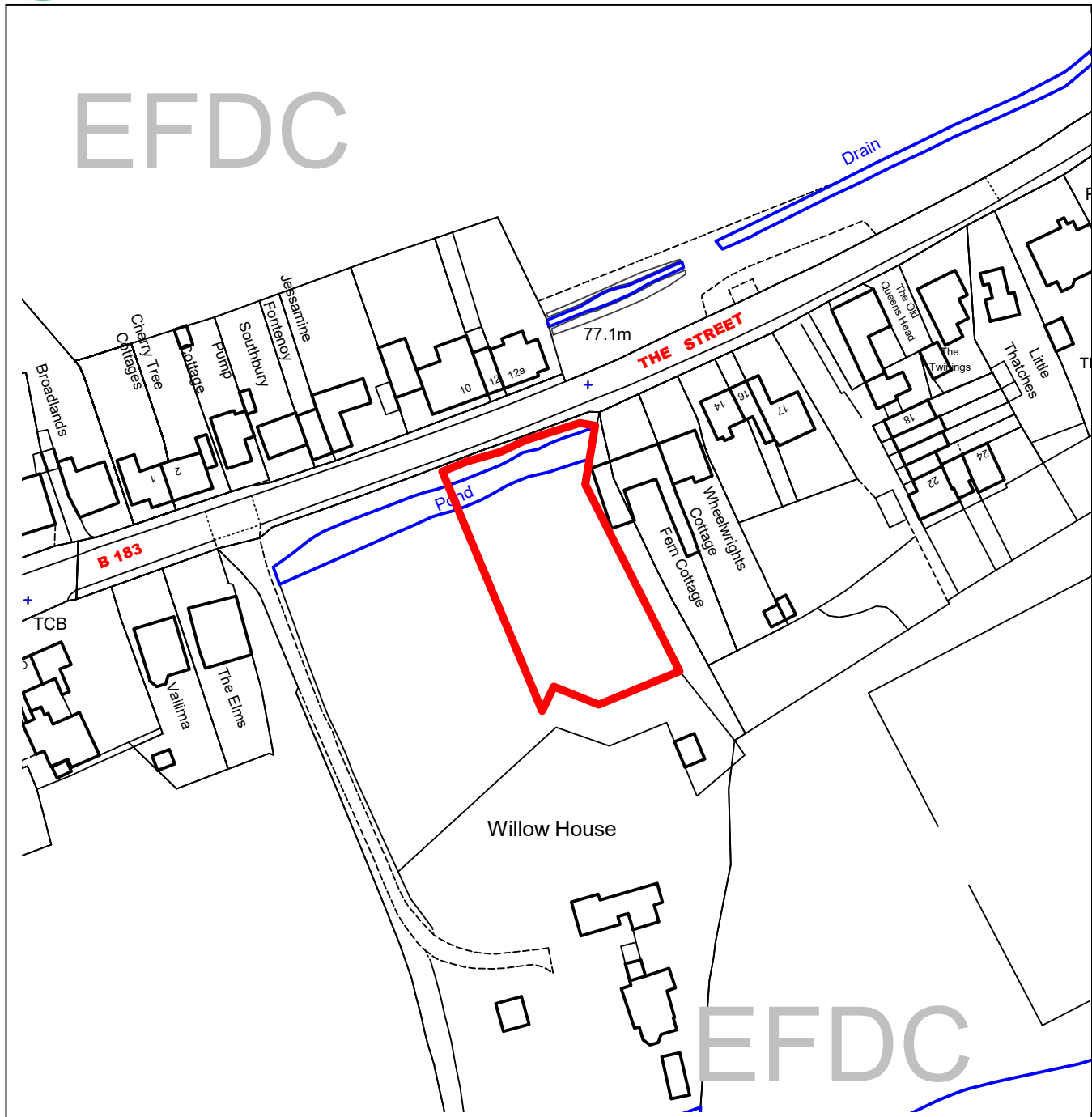
***Planning Application Case Officer: Patrick Flanagan  
Direct Line Telephone Number: 01992 564101***

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



# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/1339/18
Site Name:	Land adj. Hoppit, The Street, Sheering, CM22 7LR
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1339/18
<b>SITE ADDRESS:</b>	Land adj Hoppit The Street Sheering Essex CM22 7LR
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Founthill Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of three detached dwellings
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (Subject to a 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=609436](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609436)

**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: P01 Rev 1, P02 Rev 1, P03 Rev 2 and E01
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by site maximum, as measured from and along the nearside edge of the carriageway in both directions. Such vehicular visibility splays shall be maintained as such in perpetuity.

- 7 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 8 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 9 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 10 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 11 Following completion of 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.
- 12 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 13 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 14 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or 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.
- 16 Two *Acer pseudoplatanus* 'Worleii' (Golden sycamore) of 14-16cm girth at time of planting shall be placed as shown on Arbol Euro Consulting Ltd 'Tree Protection Plan (drawing number 101224 dated 13th July 2018 – TR1 and TR2) within one month of the implementation of the felling of T11 and T12 (Arbol Euro Consulting Ltd 'Tree Protection Plan (drawing number 101224 dated 13th July 2018)), unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.
- 17 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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.

- 18 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.

**And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and appropriate measures to mitigate potential impacts on air quality.**

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

*And contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

This application was deferred from the last sub committee for more information regarding the history of the site and to enable Members to carry out a site visit, and the report has been amended to provide additional information regarding the history of the wider site.

### **Description of site**

The application site is located on a parcel of land directly adjacent to a large dwelling known as the Hoppit on The Street, within the settlement of Sheering. The Hoppit itself is a recent development having been approved in 2014 as a limited infill development. The application site forms part of the approved garden area of the Hoppit. The site is an open gap in an otherwise built up frontage which has a large number of protected trees within its boundaries. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation area.

### **Description of proposal**

The proposed development is for the erection of three detached dwellings.

### **Relevant History**

EPF/2465/12 - Redevelopment of the northern part of the site creating two detached dwellings with a new vehicular and pedestrian access from The Street via a vehicular bridge. – Refused  
EPF/0603/14 - Erection of a single dwelling on residential land to the north of Willow House. – Approved

EPF/2473/14 - Erection of a single dwelling on residential land to the North of Willow House (amended application following approved development EPF/0603/14) - Approved  
EPF/1049/15 - Change of use of annexe known as Willow Cottage to separate dwelling. – Approved  
EPF/3040/16 - Erection of a new detached dwelling within an established residential curtilage - Refused  
EPF/1397/17 - Erection of a new detached dwelling within as established residential curtilage. (Revised application to EPF/3040/16) – Refused (This related to development to the south of Willow House which would not have been infill development)

### **Policies applied**

Local Plan policies  
CP2 Protecting the quality of the environment  
GB2A Green Belt  
DBE1 Design of new buildings  
DBE2 Effect on neighbouring properties  
DBE4 Design in the Green Belt  
DBE8 Private Amenity Space  
DBE6 Parking in new development  
ST4 Road safety  
ST6 Vehicle Parking  
LL2 Inappropriate Rural Development  
LL10 Adequacy of landscape retention  
LL11 Landscaping Schemes  
U3B Sustainable drainage  
NC4 Protection of Existing Habitat

The above policies form part of the Councils Combined Local Plan (1998) and Local Plan Alterations (2006). Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Epping Forest Submission Version Local Plan 2017**

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 48 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development  
SP6 – The natural environment, landscape character and green infrastructure  
T1 – Sustainable transport choices  
DM1 – Habitat protection and improving biodiversity  
DM4 – Development in the Green Belt  
DM2 – Epping Forest SAC  
DM9 – High quality design  
DM11 – Waste recycling facilities on new development  
DM15 – Managing and reducing flood risk  
DM18 – On site management of waste water and water supply  
DM21 – Local environment impacts, pollution and land contamination  
DM22 – Air Quality



## **Consultation carried out and summary of representations received**

152 Neighbours consulted -

SHEERING PARISH COUNCIL – OBJECTION – It is Green Belt. The development would adversely affect highway safety and another driveway onto the Street would be dangerous. The proposed bridge would need to cross a wide brook and it was suggested that if the scheme goes ahead a better access point would be the driveway already in place.

2 CHERRY TREE COTTAGES – OBJECTION - The dwellings are an overdevelopment of the site and will harm the character of the area. The bridge is incongruous and the ecology of the site would be harmed.

10 THE STREET – SUPPORT – The dwellings are thoughtfully designed and will add to the harmony of the village.

CROWN CLOSE RESIDENT (formally 10 THE STREET) – OBJECTION – This proposal would be dangerous in terms of highway issues and inconvenient for road users.

12 THE STREET – OBJECTION - The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

12A THE STREET - OBJECTION – The new dwellings are an overdevelopment of the site and would cause substantial overlooking into our property. The vehicular bridge will cause disruption to the flow of traffic. We will also suffer a substantial loss of light. There will be significant pollution.

FAVARDALE – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

WOODLANDS FARM – SUPPORT – This type of small scale development is exactly what is needed in the village and the design is good.

WESTLETON – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

DELMAR – OBJECTION -The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

TREETOPS – OBJECTION – The proposal is an overdevelopment of the site and the houses are too prominent and would harm the character of the area.

SOUTHBURY – OBJECTION - Concerns around a new driveway being built via a bridge for entry / exit to the dwellings. This will cause considerable inconvenience to us during the building process as well as disturbing the wildlife that live on and around the marshes and within the trees and hedgerows that will have to be destroyed to make way. An existing driveway is already in place which gives ample access to the land.

## **Issues and considerations**

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of the neighbours, the design of the proposal, ecology issues, land drainage and any other material planning considerations.

## Green Belt

The National Planning Policy Framework (NPPF, CLG, 2018) 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 which clearly outweigh this harm.

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 paragraphs 145 and 146 of the NPPF allow certain exceptions to inappropriate development one of which is the:

*Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*

The first stage of this assessment is to consider whether the site can be reasonably considered to fall within the boundaries of a village. To the east of the site is the main settlement of Sheering which is a rather substantial settlement which has a school, two pubs and a large number of dwellings, easily fulfilling a definition of a village for the purposes of planning policy. The application site is located somewhat detached from the main settlement, however is still connected to it through a continuous row of dwellings fronting onto the Street. It is therefore concluded that the site does fall within the village boundary.

The next stage of this assessment is to consider whether the proposal would be limited infilling within the village. The Epping Forest Local Plan (Submission Version) 2017 assists decision makers by defining 'infill development' at Appendix 1 as:

*The development of a small gap in an otherwise built up frontage or the small scale redevelopment of existing properties within such a frontage.*

In terms of context, the site is located directly adjacent to the Hoppit to the east and to Farm Cottage to the west and would fill a small gap in an otherwise built up frontage. It is therefore reasonable to conclude that the proposal constitutes limited infilling within an existing village and therefore it is not inappropriate development in the Green Belt.

Since the site is within the Green Belt, it has been considered whether it is necessary to remove Householder permitted development rights to ensure that the Local Planning Authority retains control over future development on the site. However Government guidance advises that permitted development rights should not be removed unless there are exceptional circumstances. In this instance, the scope for further development under permitted development rights is limited and in any event the Council would need to be generally supportive of limited extensions in future applications. As such it is not considered necessary to remove such rights.

## Living conditions of neighbours

The front elevation of the dwelling on the eastern most part of the site will be some distance behind the rear elevation of Farm Cottage located adjacent to it. However Farm Cottage is orientated away from the position of the closest dwelling, has a large wide garden and is a

substantial enough distance from the front of the new house to ensure that there will not be significant harm caused to their living conditions.

On the other side, the Hoppit is directly adjacent to the western most dwelling however there is a substantial gap between their respective side elevations and the rear projection does not exceed the rear elevation of the Hoppit. As a result there will be no significant harm caused to the living conditions of this neighbour.

Concern has been raised regarding the impact of the proposed access to the site which is directly opposite cottages on the other side of the Street. The road is narrow and the cottages opposite are set close to the road with no front gardens so there is concern that headlights from vehicles existing the site will cause light disturbance. Given that the proposal is only for three dwellings it is not considered that there will be such a level of night time movements that headlights will cause excessive harm to residential amenity.

### Trees and landscaping

The Tree and Landscape team consider that the proposal is acceptable subject to conditions to ensure the retention of existing trees and the replacement of trees as shown on the submitted landscape plan. These are reasonable and necessary conditions to impose.

### Design

The new dwellings are set back from the road in a similar way as the Hoppit located directly adjacent. The site is currently very significantly screened from public views from the Street by significant number of trees and vegetation; however the application involves the creation of a new access, which will allow oblique views into the site from directly in front of the new access. Since the dwellings have a reasonably conventional design, are set back from the front of the site and will only be obliquely visible from public viewpoints they will not cause harm to the character and appearance of the area.

### Parking and Highway safety

The proposed access to the site entails provision of a bridge over the existing pond at the front of the site. The Essex County Council Highway Team has commented that they have no objection to the application since the new access has good visibility splays and will therefore offer a safe form of access onto the site. Comments were made at the last committee that a previous scheme that proposed this method of access had been refused. Whilst it is a fact that the previous application was refused, it was refused only on Green Belt issues and there was no highway reason for refusal as the access was considered appropriate.

The parking offer is suitable for the dwellings proposed and raises no concerns.

### Land Drainage

The land drainage team have raised no objection to the application subject to conditions requiring details of foul and surface water drainage. These are reasonable and necessary conditions to impose. The development will not be at risk of flooding and conditions will ensure that it will not increase the risk of flooding elsewhere.

The site is not adjacent to a main river or in an identified flood zone. The bridge to the front is over a pond not a watercourse and as such this is not an application which can be referred to the Environment Agency for Comment.

### Epping Forest SAC

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

### Contaminated Land

The Contaminated Land officer has commented that the site has the potential to be contaminated and has suggested conditions to minimise the risk to new residents. These are reasonable and necessary conditions to impose.

### Conclusion

The proposal is not inappropriate development in the Green Belt, the design is satisfactory, there will not be significant harm to the living conditions of the neighbours and it satisfies all other criteria. Therefore it is recommended that planning permission is granted subject to the applicant first entering into a legal agreement to ensure appropriate mitigation for the SAC.

**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: James Rogers**  
**Direct Line Telephone Number: 01992 564 371**

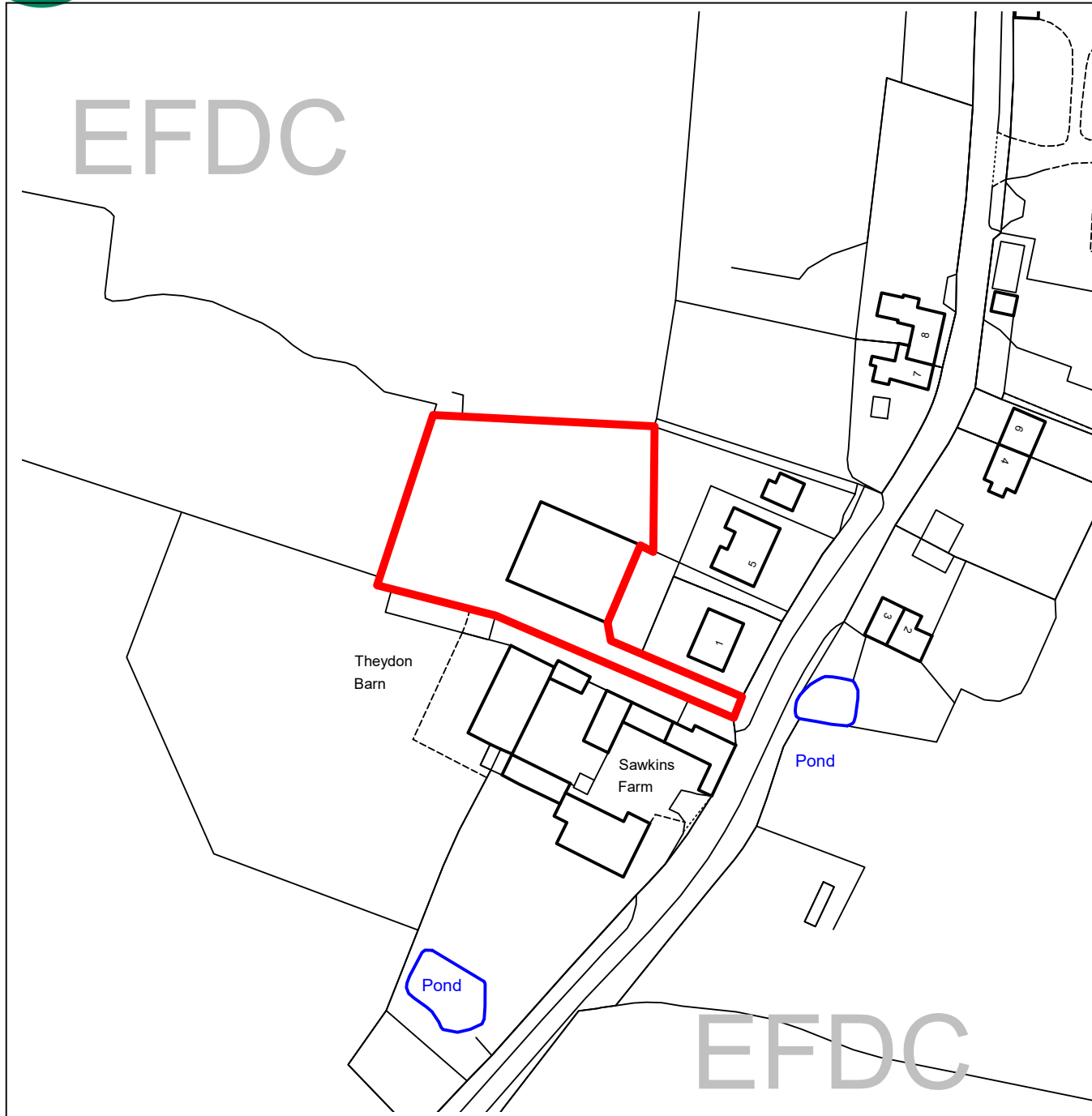
or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)





# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/1406/18
Site Name:	1 Mount End, Mount End Road, Theydon Mount, CM16 7PS
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1406/18
<b>SITE ADDRESS:</b>	1 Mount End Mount End Road Theydon Mount Epping Essex CM16 7PS
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Robert Shaw
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of barn and erection of two detached houses (Revised application to EPF/2248/17)
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=609733](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=609733)

**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: 1B, 2A and 3A
- 3 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 tools. 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.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems,

archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 6 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 7 Following completion of 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.
- 8 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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Measures to control the emission of dust and dirt during construction,
  4. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  5. Precautionary measures for minimalizing effects on great crested newts, reptiles, badgers and hedgehogs.



- 10 Prior to the commencement of development other than groundworks, a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 11 Prior to the commencement of development, other than groundworks, a biodiversity plan including, but not limited to, provision of bird and bat boxes, shrubs of benefits to bats and nectar rich planting to encourage invertebrates shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented fully in accordance with the agreed details.
- 12 Prior to the commencement of development other than groundworks, details of the proposed surface materials for the building frontage courtyard and patio areas have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 13 Prior to the commencement of development other than groundworks, details of all walls, fences, gates and other means of enclosure shall be submitted to and approved by the Local Planning Authority. The works shall thereafter be completed in accordance with the agreed details
- 14 Prior to the commencement of development other than groundworks, details of all external lighting to the site, including freestanding lighting columns and exterior lights attached to the building shall be submitted to and approved by the Local Planning Authority. The works shall be completed only in accordance with the agreed details.
- 15 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 16 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 18 No vents, grilles or ducting shall be fixed to any elevation of the buildings visible from the road without the prior written approval of the Local Planning Authority.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, C or E (other than a single freestanding building not exceeding 10 sq.m.) and F of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 20 Other than as indicated on the plans hereby approved, there shall be no increase in the area of the residential gardens on the site, nor any increase in roadways, parking areas, patios or other hard surfaced areas without prior consent from the Local Planning Authority.
- 21 No additional windows beyond those shown on the approved plans shall be installed in any elevation of the buildings hereby permitted without the prior consent of the Local Planning Authority.

**And subject to the completion, within 6 months, of a Section 106 Legal agreement to secure appropriate financial contributions towards a) access management and monitoring of visitors to the Epping Forest Special Area of Conservation (SAC) and b) mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**The Application was deferred from the last agenda to enable members to visit the site.**

### **Description of Site:**

The application site lies to the west side of Mount End Road currently forming part of the curtilage of 1 Mount End, a two storey detached house fronting the road. The land the subject of the application comprises around 0.21ha including access from the existing gravelled drive along the southern boundary, a timber clad barn building and land to the rear extending north behind 5 Mount End (the neighbouring house on the frontage)

The existing building is partly open on three sides and was most recently used as stables. It occupies an area of around 415 square metres and the main gable roof is 5.5m high at eaves and 8m high at ridge, with a mono-pitch cat slide roof on the rear part falling to single storey. The remainder of the site curtilage is enclosed by a mix of post and rail fencing and gates, and hedging all around 1metre high.

There is a ribbon of built development concentrated primarily along the road frontage of Mount End Road predominantly consisting of two storey dwellings, no.5 incorporates chalet style dormers. To the south lies the Grade II listed buildings originally part of Sawkins Farm but now converted into two dwellings (Sawkins Farm and Theydon Barn). The whole area is located within the Green Belt.

### **Description of Proposal:**

The application is a resubmission of a proposal for redevelopment as two x 4 bed houses, being part two storey, part single. The main element of each has an off-centre ridge line with a cat slide roof to the rear and single storey projections on two faces. The front elevations include a double height window as the only opening, within the rear faced elevation is a central two storey projecting bay. The buildings are arranged at right angles to each other to create a central courtyard.

Two parking spaces are provided for each dwelling, within the courtyard for Unit1 and at the rear for Unit 2. Private gardens are formed within the existing, retained outer boundary fence.

### **Relevant History:**

Historic applications for works to the frontage house indicate that around 2000, the barn building was part of Sawkins Farm. An application in 2004 shows the building as having been separated from the farm and within the demise of 1 Mount End. Aerial photographs support this. The land and building were subsequently used for stabling horses and associated storage until 2016 / early 2017.

EPF/2248/17 - Demolition of barn and erection of two detached houses. - granted

### **Policies Applied:**

#### *Adopted Local Plan and Alterations:*

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
CP5 Sustainable buildings  
GB2A Development in the Green Belt  
GB4 Extensions to residential curtilages  
GB7A Conspicuous Development  
HC12 Development affecting the setting of listed buildings  
RP4 Contaminated land  
U3B Sustainable Drainage Systems  
DBE1 Design of new buildings  
DBE2 Effect on neighbouring properties  
DBE4 Design in the Green Belt  
DBE8 Private amenity space  
DBE9 Loss of amenity  
LL11 Landscaping schemes  
ST6 Vehicle parking  
NC4 Protection of Established Habitat

#### *NPPF:*

The National Planning Policy Framework 2018 (NPPF) Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open land
SP7	Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing design and quality
DM16	Sustainable Drainage Systems
DM21	Local environmental impacts, pollution and land contamination
DM22	Air Quality

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

Number of neighbours consulted: Six

Responses received: Two responses have been received from neighbours.

2 MOUNT END – The neighbour objected to the previous application and comments: Plot 2 still sits primarily outside of the footprint of the existing barn, encroaching into open Green Belt beyond the building line and increasing site cover and sprawl. In my opinion, this is over development of the site and will have a greater impact on the openness of the Green Belt than the existing barn. I still consider that a single dwelling, not extending beyond the footprint of the barn, would be more appropriate.

5 MOUNT END – The objector's detailed comments are summarised below:

1. Overdevelopment - We cannot see any planning merit or justification in replacing the current barn with two large properties, only one of which is on the footprint of the present built structures and with the other protruding into the open field beyond.
2. Impact on Openness of the Green Belt - Plot 2 (furthest from 1 Mount End) remains outside

of the footprint of the existing barn, further adding to the impact on openness of the green belt. At present this is a rural agricultural locality and ultimately this development constitutes not the conversion of an existing structure but two additional dwellings in the Green Belt for which no special circumstances have been shown.

There is a public footpath running alongside the boundary of the property and the field beyond which presently enjoys views across the skyline to Epping. The addition of two large properties, crammed in, will undoubtedly have an impact on the openness of the Green Belt in this rural location. The built form will comprise not only the actual dwellings but, with modern living, there will be other residential paraphernalia such as garden sheds, outdoor eating areas etc. etc., and all this will introduce a residential element/sprawl into an open area of the countryside in the Green Belt.

This side of Mount End in our hamlet of Theydon Mount comprises a ribbon development of houses all of which front the road. There is no existing “back land” development and the building line is consistently one of road frontage. The only exception is the Grade II listed Theydon Barn which is set back from the road. The applicant makes reference to the annexe to Theydon Barn and the depth of this structure being used as justification for the proposed “back” development in this application. However, it is not an appropriate comparable. The annexe to Theydon Barn is the conversion of an existing single storey structure of a rural nature, it is not two wholly new large and bulky structures in the Green Belt. Importantly, nor does it have any fenestration/openings in the flank wall facing north. Building as is proposed would introduce a residential element where presently there is none and constitute and lead to further residential sprawl in the Green Belt and countryside.

3. Loss of residential amenity – Plot 1 (nearest to 1 Mount End) remains adjacent to our boundary, and re-orientated towards us from the original application, increasing the overlooking. In the Design & Access Statement, page 14, Advice 3 states “Particular attention needs to be given to how the form of the building impacts on the adjoining property to the north”, i.e. our house at 5 Mount End, and the revised plans continue to significantly impact on our residential amenity. We note the applicant has reduced the height of part of Plot 1 to single storey, but this is inconsequential as the remainder of Plot 1 continues to be significantly higher than the existing roofline of the extension to the barn and this would be materially intrusive to our residential amenity. The Applicant has therefore not addressed the third reason for refusal of their previous application.
4. This revised application has done nothing to address our concern about the proposed drainage. There is no mains drainage here. The plans show the new plots draining into the ditch on adjacent land both for foul and surface water. This ditch will not take any intensification of current use – it is often brimming full from current discharge run offs. Any additional use is likely to lead to overflowing and will exacerbate the flooding across the adjacent land and out to Mount Road where water gathers extensively after rainfall.

THEYDON MOUNT PARISH COUNCIL Object to the application, considering it an overdevelopment of the site and an intrusion into the openness of the Green Belt.

### **Main Issues and Considerations:**

#### **Impact on Green Belt**

In considering the primary Green Belt issue, regard has to be had to the position around the existing building. There is sufficient evidence to support the contention that this has been used for non-agricultural purposes for at least 10 years. The use of stables also now appears likely to be lawful. As a result, the built area must be regarded as previously developed land when assessing the application of Green Belt policy.

The land identified as the proposed gardens for the dwellings lies largely beyond the built form and its status is relevant. The whole area is indicated in a 2004 planning application as being part of

the residential curtilage of 1 Mount End. A visual inspection supports the argument that this land is materially different from the open fields beyond in form, appearance and function, it is apparent that this area has been maintained by regular mowing as a domestic garden or paddock as opposed to the more natural agricultural character of the fields beyond. Thus no extension to the domestic curtilage is proposed.

Assessment of the impact on the openness and function of the Green Belt needs to consider whether the application would have a fall back position of an application that follows the footprint of the existing building. Such a scheme would involve a single large dwelling or more likely a pair of semi-detached houses and was discouraged at pre-application stage as being unduly bulky in its appearance and out of keeping with the scale and pattern of local domestic architecture. The proposal to create two detached buildings thus inevitably results in some of the building falling outside the footprint of existing building (around 35% of the built footprint) but a number of good planning reasons exist for doing this;

- This allows the dwellings to be efficiently designed and for built development to be reduced in overall scale. As a result there are reductions to both the built footprint in the volume of built development of around 11%, and in the maximum height at eaves and ridge levels of around 1m .
- A visual break between the buildings reduces the impact of the mass.
- The built form is more appropriate to the location (see below design issues).

Taking the above into account, officers consider that these benefits would constitute very special circumstances that would support a limited extension on the existing built footprint.

### Design

Consideration of the design and form is influenced by a number of factors – the character of the location, the adjacent listed buildings and the layout of the existing building.

In terms of the general local character, the settlement generally follows a ribbon pattern with residential buildings running along the road frontage although the adjoining plot to the south is a notable exception.. Here however the history of the farm site dictates the form and it is evident that the rear buildings are generally subordinate to the frontage.

The application proposes a similar approach and demonstrates a good understanding of its context. The layout of the proposed houses in a courtyard plan has been clearly informed by the adjacent farm complex and the strong rural character of the area. In addition, the proposal makes evident references to the scale, massing, forms, design and detailing of the adjacent agricultural buildings. The proposed material palette featuring vernacular materials such as timber cladding and red plain clay tiles will match the materials and textures of the adjacent buildings and allow the new dwellings to blend in with its immediate surroundings.

The type, scale and materials of boundary treatments are crucial elements in the design of new buildings. The proposed boundary treatment including 5-bar gates, post and rail fencing and indigenous hedges and shrubs are typical of farm complex and therefore fully supported. The proposed use of gravel as a surfacing for the courtyard is also considered appropriate.

### Amenity

The immediate neighbour lies at 5 Mount End, to the north of the application site. The proposal has been designed to ensure the new buildings do not project beyond the northern most boundary of the existing building thereby ensuring direct views over the surrounding countryside are not compromised. The proposed building closest to the neighbour is designed to have a sloping roof

falling to single storey at the rear (with a central gable feature at two storey), the eaves on the rear main wall is lower and further from the boundary than the existing building. Taking into account that the nearest dwelling is around 5 metres from the shared boundary and 17 metres from the property at no.5, officers accordingly consider that the impact is not materially greater than currently exists.

#### Impact on listed buildings

While the development lies outside the curtilage of the adjacent listed buildings to the south, inappropriate development would still have the potential impact on their setting. The listed buildings present a blank facade to the boundary such that habitable areas are not directly impacted. The proposals also reflect on certain characteristics of the adjoining site, with the buildings arranged a courtyard and of comparative height and scale to Theydon Barn. Taking account the design considerations discussed above, the development is considered appropriate within the context of the listed building.

#### Other matters

Development has to be considered in the context of the Habitat Regulations Act. As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The application site lies within the 6.2km zone around the SAC where mitigation measures are required. The applicants have confirmed their willingness to enter into an appropriate s106 agreement to secure an appropriate contribution to such mitigation, a strategy for the management and monitoring of visitor pressures on the SAC is currently being developed with strategic partners. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2.

Such measures are distinct from any issues that may affect habitats within and adjacent to the application site. Any such assessments can be reasonably undertaken post determination of the application.

Historic agricultural uses of the site make it likely that contaminants could be present on the site. This is confirmed by a Phase One contaminated land study that accompanies the application.

Suggested conditions to the recommendation that are relevant in this case include removal of permitted development rights, biodiversity plan requirement to consider whether there are bat habitats.

#### **Conclusion:**

The existing building meets the relevant criteria to be considered as previously developed land. In this context, replacement buildings to provide residential accommodation are not inappropriate provided they do not have a greater impact on the Green Belt.

The proposals involve a decrease in both the footprint and volume of buildings on the site, and a reduction in the maximum ridge height. The buildings are arranged in a courtyard style that reflects a more traditional layout to subsidiary buildings and reflects the context and form of the adjoining listed building. Where the building impacts on the neighbouring property to the north, the form reflects that of the existing structure in falling to a single storey eaves height and its impact is not

significantly greater. As such, the development is not considered to have a materially more substantial impact on the character and openness of the Green Belt in this location.

Taking all of the above in the context of relevant development plan policies, officers consider the development to be of an appropriate scale and siting. Subject therefore to an appropriate legal agreement if required to secure a contribution to mitigate the impact of the development on the Epping Forest SAC and wider air quality, and to appropriate conditions, it is recommended that planning permission be granted

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

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

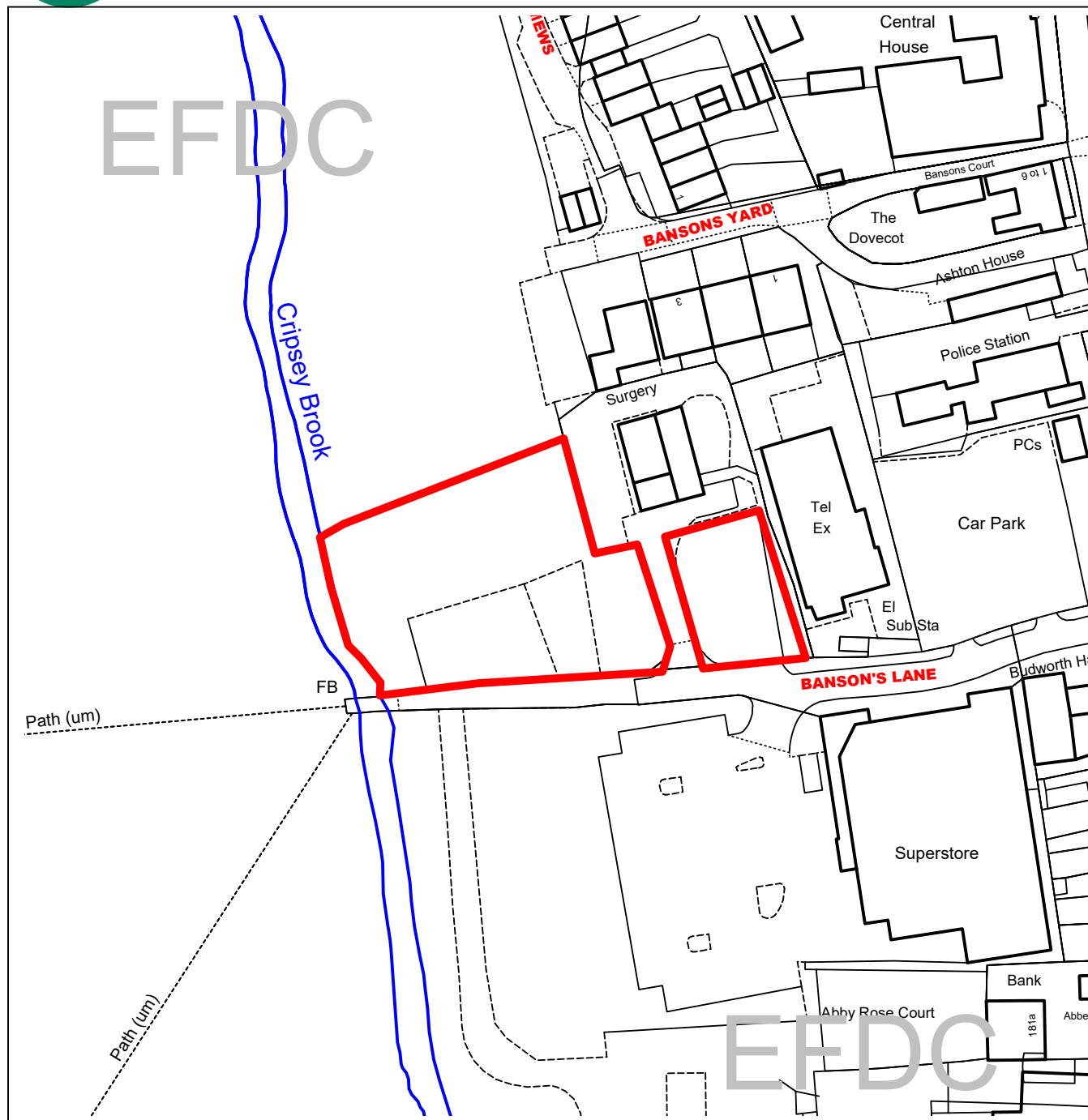
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/1556/18
Site Name:	Site at Banson's Lane, Ongar, Essex CM5 9AR
Scale of Plot:	1:1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1556/18
<b>SITE ADDRESS:</b>	Site at Basons Lane Ongar Essex CM5 9AR
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Brodie Property Group Limited
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 7 no. 2 bedroom units with associated car parking, cycle store, bin store and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=610437](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610437)

**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: 8673/001, 002 rev A, 010, 020, 021, 022, 023, 024, 025, and 100 rev A
- 3 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority.
- 4 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 5      Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6      Following completion of 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.
- 7      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 approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 8      Prior to the commencement of the development, an invasive species management plan, incorporating measures to manage the extent and future spread of Himalayan balsam within the site shall be submitted to and approved by the Local Planning Authority. All works required pursuant to the said management plan shall be completed in accordance with the agreed details, and on completion of report of the outcome prepared by the specialist contractor shall be submitted to the Local Planning Authority.
- 9      No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 10     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.

- 11 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. 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.
- 12 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, and cills, to be used by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works, other than groundworks. The works shall thereafter be completed only in accordance with the agreed details.
- 13 Prior to the commencement of development, other than groundworks, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been 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; fences gates and other 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.
- 14 Prior to the commencement of development other than groundworks, , a lighting design strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or foraging routes,
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) that demonstrates that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places, and
  - c) All external lighting shall be installed in accordance with the Bat Conservation Trust's 'Bats And Lighting in the UK'
- 15 Prior to the commencement of development, other than groundworks, an ecological enhancement plan incorporating details of the type and location of 2 bat bricks (incorporated into the new building), the type and location of 2 bat boxes and 2 bird boxes (installed on existing trees), and locations of hedgehog gaps in any new fencing shall be submitted to and approved by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of any residential unit.

- 16 Prior to the commencement of the development other than groundworks, full details of the cycle store incorporating details of cycle stands or enclosures shall be submitted to and approved in writing by the Local Planning Authority. The works as agreed shall be fully implemented prior to first occupation of any residential unit, and shall thereafter be retained for use by residents of the development.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 18 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately before leaving the site.
- 19 The development shall be carried out in accordance with the flood risk assessment (Waterman, Ref WIE12994-100-R-1-5-2-FRA Project No. WIE12994, August 2017) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 20 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.
- 21 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or 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.
- 22 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 23 Any open trenches formed within the development construction phase shall be covered over with wooden sheeting and all construction compounds fenced securely at night.
- 24 All rainwater goods installed externally on the building shall be of black painted metal or aluminium, unless otherwise agreed by the Local Planning Authority. No vents, grilles or ducting shall be fixed to the external fabric of the building without the prior written approval of the Local Planning Authority.

- 25 All plant, pipes and other equipment installed on the flat roof area shall be installed so as not to project above the ridge line of the western part of the building is hereby permitted, unless otherwise agreed by the Local Planning Authority.
- 26 Prior to first occupation of the dwellings hereby permitted, charging points for electric vehicles shall be fitted for use in all parking bays and shall thereafter be retained in working order.

**And subject to the completion of a S106 Legal agreement to secure appropriate financial contributions for appropriate measures to mitigate potential impacts on air quality, and a contribution of £3,000 towards enhanced tree planting in the local area. .**

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The application site lies on the north side of Basons Lane, within the Chipping Ongar Conservation Area. The developable area comprises around 600 sq.m. falling from east to west and containing trees and other vegetation. A footway runs along the eastern and northern boundary and a vehicle access lies in the western side also serving Great Basons, a two storey mixed use building comprises offices and residential.

The wider area comprises a mix of uses, Sainsburys store lies to the south and to the east lies the telephone exchange building. Land to the west of the access lies within the Green Belt, and includes the skate park. Basons Lane is a public right of way and extends into the open countryside to the west forming part of the Essex Way .

#### **Description of Proposal:**

The application proposes residential redevelopment of the site to provide seven x 2 bedroom flats with an integral parking area.

The building is stepped to follow the land levels. The lower level comprises a parking area containing 8 spaces and a secure cycle store accessed from the west side of the building from the existing accessway. Residential accommodation above comprises one floor western half of the building, and two floors on the eastern half, the upper floor comprising two units. Pedestrian access to the building will be from the east side with the stair core to all levels.

The building is designed with a series of gabled elements to break up the building form, and a mix of brick, render and boarding are proposed for external walls, with tiled roof.

A bin store is proposed close to the pedestrian entrance and the remainder of the building surround is to be landscaped.,

#### **Relevant History:**

EPF/3282/17 Redevelopment comprising 8 x two bedroom flats with associated parking and landscaping – application withdrawn.

## **Policies Applied:**

### *Adopted Local Plan:*

CP1	Achieving sustainable development objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP6	Achieving sustainable urban development patterns
CP7	Urban Form and quality
HC1	Scheduled monuments and other archaeological sites
HC6	Character, appearance and setting of Conservation Areas
HC7	Development within Conservation Areas
NC3	Replacement of lost habitat
NC4	Protection of existing habitat
RP3	Water quality
RP4	Contaminated land
H2A	Previously developed land
H3A	Housing density
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE9	Loss of amenity
LL3	Edge of settlement
LL10	Adequacy of landscape retention
LL11	Landscaping schemes
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 216 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
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
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing design and quality
DM16	Sustainable drainage systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

37 neighbours were consulted and a site notice was displayed.: Eight responses have been received, comprising 6 objections and 2 supporting comments.

Objections have been received from the adjoining office GREAT BANSONS, 5 CASTLE STREET ONGAR, 15 THE SPINNEY ONGAR, 215 ENGLANDS LANE LOUGHTON, 40 BARN MEAD DODDINGHURST, and from the head leaseholder of Great Bansons. Objectors raise a number of concerns:

- The proposal represents over development of the site – in terms of its volume, layout and general scale in this location.
- The proposal is inappropriate in the Conservation Area – relating to the built form and character.
- Proposals involve the loss of existing trees and potentially habitat, one objector refers specifically to the presence of slow worms on the adjacent skate park site
- On parking grounds – comments include concerns that the level of parking (including the visitor provision) is inadequate, that the development will conflict with other vehicles in the area, particularly those using the Sainsbury car park opposite, and that existing parking on the access road will be lost.
- Issues around the direct impact on residential and commercial uses in Great Bansons, including loss of outlook and light, and the larger scale and mass of the proposed scheme.
- Impact of the development when viewed from open countryside to west.
- Other comments not material to the planning merits includes issues around the site sewer, ownership issues relating to the access and construction disturbance.

Comments supporting the application have been received from 5 GREAT LAWNS ONGAR and 19 GREAT STONY PARK ONGAR. Both respondents comment on the contribution made to local housing supply relieving pressure on green land. One respondent refers specifically to the design



quality and merits of the undercroft parking scheme, the other welcomes opportunity for landscape improvement near the skate park.

TOWN COUNCIL: No comments have been submitted by Ongar Town Council.

### **Main Issues and Considerations:**

The application has been developed and revised in consultation with officers, including significant input on Conservation Area matters. Development of the site potentially impacts not only on its immediate surroundings, but also on the wider Conservation Area and on the adjacent Essex Way and surrounding countryside.

#### **Development principle**

The site lies within the identified boundary of the Chipping Ongar settlement and must be considered in that urban context, notwithstanding the proximity to the Green Belt boundary. Developing under-used sites within such areas is encouraged by national and local policy as relieving pressure on more sensitive locations. While the site would not meet the typical definition of previously developed, or brownfield, land, it is not covered by the definition in the NPPF of land that should expressly not be included in such a definition.

#### **Design and built form**

In terms of the wider visual impact, the setting down of the western half of the building is seen as an important element in managing the relationship of the building with the surrounding area.. The stepped approach reflects the site levels rising from the west into the town centre beyond. The taller element is consistent in height terms with the telephone exchange building, and visibly lower than the Sainsbury store to the south. Initial concerns that the two elements were not sufficiently distinguishable, presenting a continuous form to the roof line, but the two elements are evidently visually distinctive as a result of revisions to the scheme. The building demonstrates a good understanding of its context drawing on architectural references from the surrounding buildings and conforming to their height, scale and general traditional appearance.

#### **Trees and landscaping**

The development will result in the loss of the existing trees from the site and these evidently have an amenity value. However the Council's Tree Officer comments; *'a careful inspection of these trees, leads us to conclude that their structural condition makes them unsuitable for long term retention or warrant the making of a Tree Preservation Order'*. This does not however alter the fact that the trees have an amenity value in the wider context.

There remains a landscape role for the land to the west in screening development. This area contains a natural landscape of trees and shrubs. While the application initially proposes a residents garden area immediately west of the access, officers consider the amenity value of the existing planting to the wider area outweighs any direct benefit to residents from a formal garden area, particularly in the context of the potential for wider recreational availability of land to the west.

Accordingly, the applicants have agreed to the retention of the existing landscape and habitat to the west of the site, and to a contribution of £3,000 towards wider tree planting in the surrounding area to compensate the loss of the existing trees. In such circumstances, officers are satisfied the development will not have an adverse landscape impact.

#### **Wider impacts**

The site lies in a potentially sensitive location in relation to the Essex Way and open ground and its impact thereon is a material consideration in its own right. As discussed above, existing trees

between the site and the land to the west provide a degree of screening, to the extent that in mid-August with trees in full leaf the much bulkier Sainsbury building was completely screened when viewed from around 200m to the west. In this context, even allowing for the loss of the trees from the site, it is evident that the existing landscape is strong.

Thus, only the upper parts of the building are likely to be visible. The overall scale includes articulation and the building is not unduly wide. Views into Ongar from the Essex Way include a number of breaks in the screening, in particular to the north of the site where the development at Basons Mews comprising three storey terraces of houses, is more prominent but entirely consistent with the built form that may be found on the edge of the built area.

Officers conclude that the development does not materially impact on the open land to the west.

#### Neighbour amenity

Consideration has been given to the potential impact directly on Great Basons which shares the access. This two storey building includes residential and office uses; there are two ground floor flats on the ground floor with principal windows facing west, and a further flat and an office space on the first floor. One significant window to the office lies in the south facing wall and there are high level windows to ground floor.

Officers consider that there are a number of factors which suggest the overall impact is not severe. The most affected window is at first floor and retains views to the south west from this workspace. The building reducing in height to the west with a pitched roof reduces the extent of any overshadowing. The level of activity arising from seven units is not likely to be so intensive as to significantly affect residential and commercial occupiers.

#### Parking and access issues

The scheme proposes provision of 8 parking spaces accessed from the existing entrance serving Great Basons, clear of the highway. The parking bays meet the relevant requirements in terms of the dimensions and turning areas. In addition a large cycle store is indicated with 10 stands shown but evidently space for more if desired.

The Highway Authority considers the parking provision to be satisfactory, commenting that surrounding roads are well secured with parking restrictions and concluding that there will be no on-street parking to the detriment of highway safety. The site access is some distance from the busier car park entrances to the east and no evident conflict from a low intensity residential use results.

#### Other matters

The application has been considered in the context of the Epping Forest SAC and associated air quality issues. The site lies outside the 6.2km SAC boundary and does not require any further consideration at this stage. The development will lead to an increase in impact on air quality and the applicants have agreed to making an appropriate contribution in line with emerging policy and Natural England guidance,

Evidence exists that historic uses of the site have the potential to have resulted in residual contamination. A phase one contaminated land assessment accompanies the application and supports this view, recommending a remediation strategy be developed as part of the scheme. This can be dealt with by condition.

The site location also justifies archaeological investigation due to the presence in the locality of remains of a medieval settlement. This again can be addressed by condition.

A phase one extended habitat survey accompanies the application. This identifies the potential of activity in the vicinity from bats, but does not identify any other protected species, including newts or badgers active within the site. In this regard, a number of conditions are suggested to deal with impact of site clearance on roosting and to encourage future wild life activity.

### **Conclusion:**

The site lies on the edge of, but clearly within the built area of Ongar. While it has not been built on previously, the main building plot has limited amenity value which officers conclude is outweighed by the desirability to deliver new housing within the confines of the built up area.

The building has been carefully designed with regards to the character and form of the Conservation Area and the proximity to the Essex Way. By stepping the building, the scheme responds to existing ground levels without being excessively bulky in the context of the main adjacent buildings, the telephone exchange and the retail store. The built form and choice of materials are reflective of the character of the Conservation Area. The building is generally well screened from views from the west and where it is visible, forms a logical start to the built landscape, similar to other properties along the western edge of the town, such as those in Basons Mews to the north.

A degree of impact on the adjacent mixed use building at Great Basons is acknowledged, but this is not considered so significant as to justify refusal of a development that is considered broadly acceptable in all other regards, subject to the proposed s106 agreement in relation to air quality impacts and tree planting, and appropriate conditions.

***Should you wish to discuss the contents of this report item please use the following contact details by 3pm on the Monday preceding the meeting at the latest:***

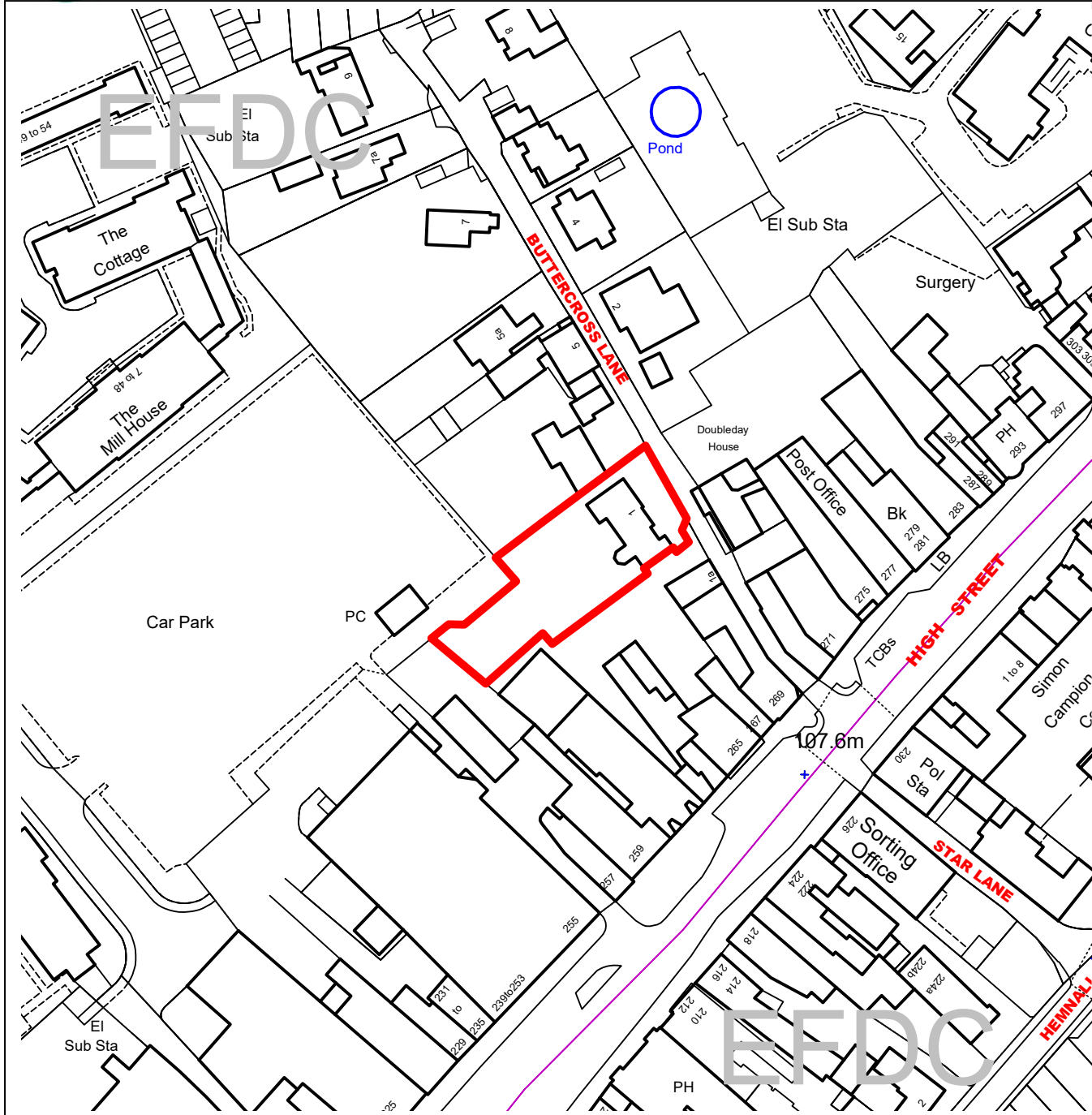
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/1583/18
Site Name:	1 Buttercross Lane Epping CM16 5AA
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1583/18
<b>SITE ADDRESS:</b>	1 Buttercross Lane Epping Essex CM16 5AA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr David Shaw
<b>DESCRIPTION OF PROPOSAL:</b>	Demolish existing house and replace with 9 apartments
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=610515](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=610515)

**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: 1A, 2CD, 3C.
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. 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 Prior to first occupation of the development hereby approved, the proposed window openings in the north flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 The Biodiversity Enhancement and Management Plan (BEMP) submitted by SES in May 2018 should be adhered to. Any changes to the document and/or working practices should be reported to EFDC by the Ecological Clerk of Works (ECoW) for consent.
- 6 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the

substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

- 7 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 9 Additional drawings that show details of proposed new windows and doors, soffits and eaves detailing by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any works.
- 10 Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority prior to starting any work on site.
- 11 Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by the Local Planning Authority.
- 14 Prior to first occupation an electric vehicle charging point shall be provided within the development for the use of residents.
- 15 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 16 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turned areas shall be retained in perpetuity for their intended use.
- 17 Prior to the first occupation of the proposed developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

*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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**And subject to the applicant first entering into a legal agreement under Section 106 to secure appropriate mitigation in terms of both recreational use of the forest and air quality with regard to impact on the Epping Forest SAC.**

**Description of Site:**

A 0.25a site with a width of 21m and a depth of 57m located to the west of Buttercross Lane, itself a cul-de-sac accessed via a passage between the flank walls of buildings on the High Street within the built-up area of Epping. The site is currently occupied by a two storey detached house built in the 1950's with a maximum width of 17.6m. The area is characterised by close knit two storey dwellings and flatted buildings of mixed designs and styles with narrow frontages, predominantly two-storey with tiled roofs and rendered or brick walls. The south-west of the site is screened by mature trees and hedging and backs onto a car parking area and two storey buildings to the rear of the High Street. To the immediate north of the site is a two storey building, with a three storey building to the east on the opposite side of Buttercross Lane. The site is within the Epping Conservation Area.

**Description of Proposal:**

Planning permission is sought for the redevelopment of the site comprising the demolition of the existing two storey house and garage and the construction of a three storey block of 9 flats, comprising 8 two-bedroom flats and 1 one-bedroom flat, with associated parking and landscaping. The proposed building would have an L-shaped footprint with its most prominent elevation facing Buttercross Lane, the ground and first floor would each provide 3 two-bedroom flats and the second floor would provide 2 two-bedroom flats and 1 one-bedroom flat. The building to accommodate the flats would have a central communal entrance door on the principal elevation and would resemble a substantial detached house of a contemporary style. The façade of the building would be finished in red brick at ground floor level with a dentil course above ground floor lintels to separate it from the white timber cladding and jetting proposed at first and second floor level. A red clay roof tile is proposed for the roof. The building would have a maximum width of 16m and a maximum depth of 23.7m. Vehicular access to the building would be via a new crossover proposed to the right of the building on Buttercross Lane. Nine car parking spaces, an electric vehicle charging point, bicycle storage, bin storage and an amenity space would be set to the rear of the building.

**Relevant History:**

EPU/0073/58 – Erection of dwelling house: Planning Permission.  
TPO/EPF/0001/75 – (TPO/ESX/5/53). Proposed lopping of preserved tree in rear garden:  
Approved with conditions.

Policies Applied:

Epping Forest Local Plan (1998) and Alterations (2006):

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP3	New development
CP4	Energy conservation
CP5	Sustainable building
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
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	Excessive loss of amenity to neighbouring properties
DBE11	Sub-division of residential properties
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
H2A	Previously developed land
H3A	Housing density
H4A	Dwelling mix
LL11	Landscaping schemes
RP4	Contaminated land
NC1	SPAs, SACs and SSSIs
NC4	Protection of established Habitat

The National Planning Policy Framework:

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).



In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 Presumption in favour of sustainable development  
SP6 The natural environment, landscape character and green infrastructure  
H1 Housing mix and accommodation types  
H2 Affordable housing  
T1 Sustainable transport choices  
DM2 Epping Forest SAC and Lee Valley SPA  
DM9 High quality design  
DM10 Housing design and quality  
DM11 Waste recycling facilities on new development  
DM15 Managing and reducing flood risk  
DM18 On site management of waste water and water supply  
DM21 Local environment impacts, pollution and land contamination  
DM22 –Air quality  
HC7 Development within conservation areas

#### **Representations Received:**

29 Neighbours were consulted and a site notice was displayed.

#### **Responses:**

PETITION – Object, 196 signatures from local residents and frequent visitors to the area who all know Buttercross Lane and oppose the proposal.

2 BUTTERCROSS LANE – Object, proposal does not take previous planning appeal decisions into account, increased traffic, impact on pedestrian safety, not in keeping with the street scene, dominant and intrusive, impact on the Conservation Area.

THE LITTLE HOUSE, 3 BUTTERCROSS LANE – Object, proposal conflicts with decisions of three planning appeals regarding planning applications for residential development at No. 2 Buttercross Lane, intrusive feature within the street scene, roof will be 3 metres higher than No. 3, 9 flats will intensify development, detract from the openness of the lane, out of scale with adjoining houses, would set a precedent for similar development down the lane outside the Conservation Area, parking concerns, increased traffic, concerns regarding amenity space, does not conform with existing pattern of development, unclear plans, failure to conform to standards of design and density, no improvement or enhancement on the openness and appearance of the Conservation Area,

5 BUTTERCROSS LANE – Object, increased traffic, parking concerns, disruption due to building works, impact on Conservation Area, impact on view, overlooking, impact on character and value of property.

5A BUTTERCROSS LANE – Object, impact on area, increased traffic, parking concerns, impact on architectural and historical aspects.

6 BUTTERCROSS LANE – Object, impact on appearance of lane, dominant and overbearing, out of scale, impact on pedestrian safety.

7A BUTTERCROSS LANE – Object, impact on Conservation Area, out of keeping with the lane, overdevelopment of site, increased traffic, parking concerns, impact on pedestrian safety, impact on character of Epping, disruption to neighbouring residents and workers in the High Street.

9 BUTTERCROSS LANE – Object, increased traffic, parking concerns, impact on pedestrian safety, would set a precedent for further similar developments, impact on Conservation Area.

3 THE SADDLERY, 1B BUTTERCROSS LANE - Object, negative impact on way of life, impact on value of property, concerns regarding overdevelopment of site, increased traffic, disturbance and noise, overbearing, visual impact, loss of privacy, impact on Conservation Area, disrespects neighbouring residents.

68 RAYFIELD, EPPING – Object, impact on amenity and Conservation Area

ROSE FARM, THORNWOOD COMMON – Object, size of proposal, impact of increased traffic, drawings unclear, overdevelopment of site, potential for overlooking and loss of privacy.

14 MORRISON AVENUE, POOLE – Object, increased traffic, impact on pedestrian safety, parking concerns, noise, disturbance to residents.

EPPING TOWN COUNCIL – Object, Committee strongly OBJECT to this application.

This proposal will have a dramatic and negative impact on the conservation area. The proposal is a vast overdevelopment of the site in terms of density and height, having three storeys, which would result in an overly dominant and irreversible effect on the street scene. The proposal would decimate the street scene of this historic lane and the character of the road would be lost. The whole development does not fit within this part of the conservation area.

The proposal would be excessively overbearing and turn a family home into nine flats which would constitute mass overdevelopment. The size and dominance of the building would create a tunnelling effect. The density far exceeds that which is laid out in Policy. The intensification of use from a detached family home to nine individual apartments would impact adversely on the surrounding area in terms of visual impact, noise nuisance, disturbance and additional traffic. The vast increase in the number of vehicles using the property would have a harmful effect on Highway safety and on the character of the area through which the new traffic would move. The site is not large enough to accommodate larger scale movement of traffic. There is no allowance for visitors parking to the flats, would result in additional cars parking in the neighbouring roads which already suffer from parking and congestion problems. There are severe parking issues in Epping and the insufficient parking from this scheme will add to the problems. The generation of additional traffic and refuse in this already busy location, will result in a loss of amenity in terms of noise and disturbance. Buttercross Lane is a narrow road and this proposal would make access difficult for emergency vehicles as well as refuse vehicles.

Committee object to the loss of this large family house, which are as necessary as flats and do not feel this is a suitable location. A mix of dwelling types is required and removing large, family homes does not contribute to this objective. Constantly granting permission for flats at the expense of good quality family homes, will adversely affect the mix of dwelling types available in the town and alter the core character of this historic lane.

National policy states that the character of individual areas must be taken into consideration and this development does not respect the conservation area of the town centre. Local and national policy state that the emphasis should be on improving the quality of life in urban areas, not reducing that quality for future generations. Constantly allowing flats at the expense of family

houses reduces the mix of dwelling types available and thus reduces choice. The need for flats is being catered for within the new Draft Local Plan and building plans set until 2033 within such plan.

There would be a loss of trees and loss of greenery which would generate increased pollution. The resulting loss of amenity for neighbouring properties in terms of its overbearing nature, visual impact, additional traffic and nuisance is not acceptable and contravenes policy.

Relevant policies: CP2, CP6, CP7, DBE1, DBE2, DBE9, H3A, H4A, ST4, ST6.

Emerging Local Plan: H1A (ii) & (iii), DM9J

NPPF: Paras 9, 17, 53, 55, 64

### **Issues and Considerations:**

The key issues for consideration in relation to this proposal are the principle of development, amenity considerations, design, highways and parking, impact on the character and appearance of the Epping Conservation Area.

#### **Principle of Development:**

The application site is located within the urban area of Epping, adjacent to the designated town centre. Epping is one of the larger built up towns in the District, is well served by local services and amenities and has excellent public transport links. The 'golden thread' running through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The principle of the redevelopment of this site is considered to accord with this presumption and therefore this should be afforded significant weight. Furthermore, the redevelopment of this site would constitute the reuse of previously developed land. The NPPF and Local Plan policy H2A encourage the reuse and intensification of use of such sites. Notwithstanding this applications still need to be assessed on their individual merits.

#### **Amenity Considerations:**

The proposed development would replace an existing two storey dwelling with a considerably larger three storey block of flats. The proposed 4m gap between the proposed building and No. 3, the neighbouring property to the north-west would represent a 1.5m increase on the existing gap between the properties. No. 3 has a staggered footprint set marginally further back than the proposed building and whilst there is a 3m difference in height between No. 3 and the proposed building, the element of the proposed building immediately adjacent steps down 1.6m, to reduce the height difference.. Given that the rear element of the proposed building is set 12.5 metres away from the shared boundary, the concerns regarding the difference in height and the dominant and intrusive form of the proposed building, while noted are not considered to be sufficient grounds to warrant refusal of the application. Windows on the north elevation of the proposal serve bathrooms and kitchens in the main and a condition can be imposed to obscure glaze these windows in order to prevent overlooking and loss of privacy to No. 3.

The south and west elevations of the proposal back onto a car park to the rear of the High Street and would not significantly impact the nearby properties. Whilst concerns have been raised regarding the potential for disturbance and noise as a result of construction works this is not a material planning consideration, nevertheless this has been noted and a condition can be imposed regarding construction works.

Local Plan policy DBE8 and the Essex Design Guide suggest 25 sq. m. of communal amenity space for each flat when assessing new residential dwellings. Given this requirement, the proposed development would necessitate 225 sq. m of communal amenity space to serve this development. Whilst the amenity space indicated on the submitted plans is at variance with the requirements of policy DBE8, it is not considered sufficient grounds to reasonably refuse

permission since it is generally accepted that properties within town centres can provide less amenity space and the application site is within walking distance of both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground.

### Design:

Paragraph 127 of the NPPF sets out that *“planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”*. With regard to the appearance of the proposal, the proposal has been designed to appear from the front as a large detached house and would continue to be set back from the road by 4.5m, increasing to 6.5m as the road progresses to the north-east. Policy DBE1 requires that new buildings *“(i) respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing; (ii) are of a size and position such that they adopt a significance in the street scene which is appropriate to their use or function; and (iii) only employ external materials which are sympathetic in colour and texture to the vernacular range of materials”*. Whilst the bulk, mass and scale of the proposed building is greater than the existing dwelling, the increase in height is mitigated by the continued retention of the existing setback from Buttercross Lane, the 1.6m decrease in width of the principal elevation and the breaking up of the elevations by use of different materials. Whilst the objections from neighbouring residents and the comments from Epping Town Council and the Epping Society regarding the visual impact of the proposal are noted, it is considered that subject to quality materials being used and appropriate detailing of eaves soffits and fenestration being submitted for approval, the development will fit well within the Conservation Area and the streetscene. (Impact on the conservation area is covered in more detail below) While it is accepted that the majority of neighbouring properties are predominantly two storey, the proposed three storey block of flats would relate well to Doubleday House, a three storey flatted building directly opposite in terms of bulk, mass and scale. As such it is considered that the proposed building and Doubleday House could function in combination to complement Buttercross Lane by serving as a ‘gateway’ from the High Street. From a design point of view, it is considered that the proposed three storey building could be accommodated without detriment to the street scene. Whilst objections have been received regarding loss of trees and greenery, there are no trees worthy of retention on the application site. As with any new development of this scale, hard and soft landscaping should be implemented and can be required by condition. Adequate space is maintained at the front of the site to secure appropriate planting to maintain the appearance of a domestic garden.. .

### Impact on Conservation Area:

Many objections received have expressed concerns regarding the impact of the proposal on the Epping Conservation Area. The Council’s Senior Conservation Officer has reviewed the proposal and has provided the following comments:

The proposal site stands within the Epping Conservation Area to the rear of the High Street and directly behind no. 269, a grade II, largely 17<sup>th</sup> and 19<sup>th</sup> century building. The proposed scheme has been discussed at pre-application stage, although not with myself, and received positive feedback.

The site marks the start of the residential development on Buttercross Lane after the lane passes through the narrow gap between the side elevations of the buildings fronting the High Street. The existing house is late 20<sup>th</sup> century in date and stands at two storeys with a single storey garage. No objections to the loss of the existing building are raised as it is of limited historic and architectural interest and is not considered to make a positive contribution to the conservation area (the character appraisal of 2009 identifies it as making a ‘neutral’ contribution to the conservation area).

The proposed building contains 9 flats over three floors. It occupies an L-shaped plan with a three storey element to the south (behind the High Street) stepping down to a two and a half storey range to the north. The design was discussed and amended throughout the pre-application process to arrive at the current design.

The site acts as a transition point between the denser developments fronting the High Street with their service areas behind, and the lower density residential character of Buttercross Lane. Due to a drop in levels, the proposed three storey element will sit lower than the ridge height of the rear of no. 269 and will also relate to the large, imposing block opposite (Doubleday House). The drop in ridge height to two and a half storeys and its position on the same set-back building line as the existing helps to transition the proposed building into the prevailing smaller scale, lower density character of Buttercross Lane.

My attention has been drawn to two appeal decisions at no. 2 Buttercross Lane (formerly 'land adjacent to Broadbents, Buttercross Lane'). These concerned the redevelopment of an open plot of land, formerly a walled garden; the first appeal concerning the erection of two dwellings (dismissed) and the second a single dwelling (approved). In these decisions the Inspectors identified the change in character from the denser High Street to the more open feel of Buttercross Lane, partly thanks to the set-back position of nos. 1 and 3. This set back position will be preserved. Due to the position of no.1 further south down Buttercross Lane (closer to the High Street), its location opposite the huge three-storey Doubleday House, and the fact that a house already exists on the site (rather than the site being an empty, green plot), the appeal decisions relating to no.2 are not relevant in their entirety, to the current proposal, although their appraisal of the character of Buttercross Lane is.

The general form of the proposed building is traditional in character with pitched roofs, simple casement windows and materials taken from the local vernacular.

On balance, the proposal is not considered to harm this part of the conservation area as it acts as a transition between the High Street and Buttercross Lane, respecting the neighbouring building heights. It also relates to Doubleday House opposite.

It is recommended that the following conditions are attached to any planning permission:

- Details of the types and colours of all external materials shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- Additional drawings that show details of proposed new windows, doors, and rooflights, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works.
- Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

This is supported by policies HC6, HC7 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190 and 193 of the NPPF.

#### Highways and Parking:

The proposed flats would be served by nine off-street parking spaces. The Essex County Council Vehicle Parking Standards requires 2 spaces per 2+ bedroom residential units (total of seventeen in this instance) plus two visitor spaces. However, the parking standards state that "*a lower provision of vehicle parking may be appropriate in urban areas (including town centre locations)*"

*where there is good access to alternative forms of transport and existing car parking facilities”.* Whilst much concern has been raised regarding increased traffic, parking implications and pedestrian safety, the town centre is well protected by parking restrictions and as such it is not considered that this proposal will be detrimental to highway safety or cause any on-street parking issues in the vicinity. Furthermore Essex County Council's Highway Authority has raised no objection to the proposal either on the grounds of level of provision or on highway safety grounds. Given the sustainable town centre location of the site, which is well served by local facilities and public transport, it is considered that one off-street parking space per flat is acceptable in this instance. Adequate turning space is available within the site. It is accepted that Buttercross Lane is a narrow road largely without pavements and is used as a pedestrian cut through to the High Street from residential areas to the north, however it is not considered that the increase in vehicle movements at the top of the lane close to the High Street will adversely impact on highway safety. It is generally accepted that narrow shared surface roads are appropriate for residential developments and do not increase highway danger (due to the drivers and pedestrians perception that there is a need for care).

### **Other Matters:**

#### **Housing:**

Given the Council's lack of a five year housing supply, the proposal will provide a net increase of 8 residential units, adding to the supply of housing to the District which must be weighed against the objection regarding the loss of a family home and the Government's objective of bringing development forward to meet the growing need for housing and to stimulate economic growth as laid out in the NPPF.

The proposal falls below the threshold which requires the provision of affordable housing, and as such there is no requirement for a legal agreement to secure affordable housing.

#### **Ecology:**

Epping Forest Countryside team has commented that they have no objection to the proposal subject to the imposition of a condition.

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

#### **Flooding:**

The Council's Engineering, Drainage and Water Team has reviewed the application and provided the following comment:

The site lies within an Epping Forest District Council flood risk assessment zone. The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is required; therefore please add land drainage condition SCN84A. The site does not lie within any Environment Agency (EA) Floodzones; therefore consultation with the EA is not required.

The applicant is proposing to dispose of surface water by main sewer. However, our records do not indicate a public sewer at this location. Further details are required. Please add a condition requiring approval of surface water details by the Local Planning Authority prior to development commencing.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

#### Contaminated Land:

The Council's Contaminated Land Officer has reviewed the application and provided the following comment:

I have screened readily available council records regarding former land uses and can see no evidence of a former industrial or potentially contaminating land use.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

I would therefore recommend that the stand alone 'Unexpected Land Contamination' condition be attached.

#### Water:

Thames Water has reviewed the application and provided advice to the applicant, but has raised no objection to the proposals.

#### Conclusion:

Taking all matters into account the proposed development is considered acceptable. The proposal would make more efficient use of previously developed land and would accord with the NPPF's presumption in favour of sustainable development. The proposals would sit well within the street scene and subject to conditions will maintain the character and amenity of the conservation area. A lower car parking provision is considered acceptable in this location and there are no highway objections to the scheme Subject to mitigation measures that can be achieved by legal agreement there will be no harm to the Epping Forest SAC.. Accordingly the recommendation is one of approval subject to conditions and to the required legal agreement.

***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: Patrick Flanagan  
Direct Line Telephone Number: 01992 564101***

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

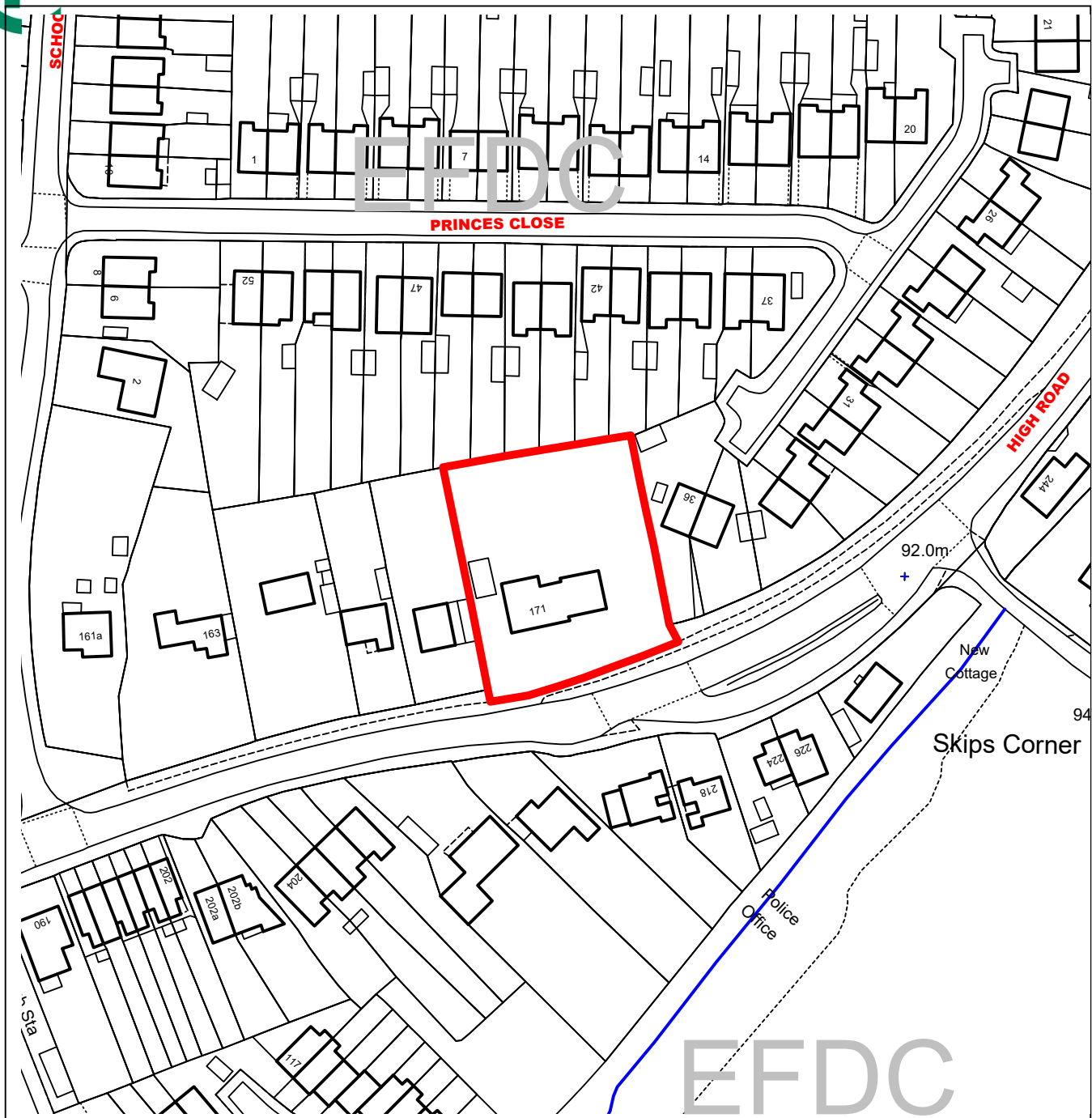






# Epping Forest District Council

## Agenda Item Number 10



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Application Number:	EPF/1834/18
Site Name:	171 High Road North Weald EppingCM16 6EB
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1834/18
<b>SITE ADDRESS:</b>	171 High Road North Weald Epping Essex CM16 6EB
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Miss Victoria Edgar
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling to be replaced with 1 no. 4 bedroom detached house and a pair of 4 bedroom semi-detached houses (Revised application to EPF/0976/18)
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=611639](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611639)

**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: 06, 07, 08.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevations of the dwellings on plot 1, plot 2 and plot 3 shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 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.

- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 Following completion of 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.
- 8 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by 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 (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**And subject to the applicant first entering into a legal agreement under Section 106 to secure appropriate mitigation in terms of both recreational use of the forest and air quality with regard to impact on the Epping Forest SAC.**

**Description of Site:**

Large wide fronted detached dwelling and garage on 26 metre wide plot located on the northern side of the High Road in North Weald within the urban area.

**Description of Proposal:**

The proposal is for demolition of the existing dwelling to be replaced with a four bedroom detached house and a pair of four bedroom semi-detached houses. (This is a revised application to EPF/0976/18).

The detached dwelling on plot 1 would have a maximum width of 8.3m and a maximum depth of 12m. The pair of semi-detached dwellings would have a maximum combined width of 12.2m and a maximum depth of 11 metres. Each dwelling would have private amenity space to the rear and would be served by two off-street car parking spaces to the front with provision for two additional visitor off-street car parking spaces.

**Relevant History:**

Outline planning permission for the erection of a detached dwelling to the east of the existing dwelling was granted in 2005 under reference EPF/1342/04

A reserved matters application EPF/0098/07 was refused due to the scale and bulk of the proposal and a revised, significantly reduced scheme (EPF/2560/07) was approved in January 2008.

EPF/1722/13 – erection of detached dwelling was refused for the following reason:

“The proposed dwelling, due to its scale and position in relation to the rear facing windows and garden of no 22 Princes Close, would be overbearing and result in an unacceptable loss of outlook, causing harm to the residential amenity of the occupants of that dwelling, contrary to policy DBE2 and DBE9 of the adopted Local Plan and Alterations.”

EPF/2245/13 – A revised application for the erection of a 4 bed house to the east of the existing dwelling was approved by committee - 18/12/13

EPF/2460/15 – Outline application for the erection of 3 pairs of semi detached houses – Refused under delegated powers for the following reason:

“The proposed development, due to the narrow plot widths and the over dominance of parking at the front of the site, would appear cramped and out of keeping with the prevailing pattern of development in this part of the High Road. As a consequence, the development would be harmful to the street scene, character and appearance of the locality and its visual amenities. Accordingly, the proposal is contrary to policies CP7 and DBE6 of the adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework”.

EPF/1247/16 Outline application for demolition of existing house and construction of 4 detached houses, each with 4 bedrooms - Revised application to EPF/2460/15. (Access and layout to be determined) Refused at committee for the following reasons

“1.The proposed development due to the number of units and the lack of space between the buildings has a cramped appearance out of keeping with the more spacious nature of the existing street scene on this side of the High Road and harmful to the character and visual amenity of the area, contrary to policies DBE1 and CP7.

2. The siting of the dwelling on Plot 4 is poorly related to number 36 Princes Close, such that any building on that footprint will have a significantly adverse impact on the light and outlook to the rear elevation and garden area of that property, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.”

An appeal following this decision was dismissed – 11/01/17.

EPF/2396/16 – Erection of 1 no. detached house with 4 bedrooms. Re-submission of approved application: EPF/2245/13: Approved by committee – 14/11/16.

### **Policies Applied:**

#### **Epping Forest Local Plan (1998) and Alterations (2006):**

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment
- CP3 New development
- CP4 Energy conservation
- CP5 Sustainable building
- CP6 Achieving sustainable urban development patterns
- CP7 Urban form and quality
- 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 Excessive loss of amenity to neighbouring properties
- DBE11 Sub-division of residential properties

ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST6	Vehicle parking
H2A	Previously developed land
H3A	Housing density
H4A	Dwelling mix
LL11	Landscaping schemes
NC1	Development affecting SPAs, SACs and SSSIs
RP4	Contaminated land

*The National Planning Policy Framework:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in favour of sustainable development
SP6	The natural environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape character and ancient landscapes
DM9	High quality design
DM10	Housing design and quality
DM11	Waste recycling facilities on new development
DM15	Managing and reducing flood risk
DM18	On site management of waste water and water supply
DM21	Local environment impacts, pollution and land contamination
DM22	Air quality
HC7	Development within conservation areas

### **Consultation Response:**

30 neighbours were consulted.

NORTH WEALD PARISH COUNCIL – No objection.

The following responses were received;

169 HIGH ROAD – Object, loss of light, flooding, noise and disruption during construction works, highway safety.

218 HIGH ROAD – Object, parking concerns, increased traffic.

224 HIGH ROAD – Object, parking concerns, highway safety.

226 HIGH ROAD – Object, parking concerns.

47 PRINCES CLOSE – Object, parking concerns, flooding, impact on amenity.

### **Issues and Considerations:**

The key issues for consideration in relation to this proposal are the principle of development, amenity considerations, layout, design, highways and parking, impact on the character and appearance of the streetscene.

#### **The Principle of Development**

The application site is located within the built up urban area North Weald and within a predominantly residential area. The site is within a short walking distance to the facilities serving the village and whilst public transport within North Weald is fairly limited this is considered to be an appropriate location for additional housing.

It is accepted that the proposal would involve the development of garden land and that the definition of previously developed land as quoted in Annex 2 of the NPPF specifically excludes *“land in built-up areas such as residential gardens”*. This was initially introduced under previous Government guidance PPG3 to restrict ‘garden grabbing’ however does not preclude development within the curtilages of existing properties provided these comply with all other development plan policies. Whilst Paragraph 70 of the NPPF encourages Local Planning Authorities to “resist inappropriate development of residential gardens” this must be weighed against the presumption in favour of sustainable development – the ‘golden thread’ running through planning policy.

The site is situated within a relatively sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 14 of the NPPF states that *“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply: a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made; b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and d) the local planning authority’s housing*

*delivery was at least 45% of that required over the previous three years".* The Local Plan is currently being formulated but the position that is generally adopted is that the redevelopment of gardens is not inappropriate if the proposed scheme conforms with the general character of the area. It is considered that the existing garden plot of number 171 is uncharacteristic of the gardens in the locality and that the proposed development of 4 on the plot is in line with the pattern of development along the High Road and would not be out of keeping with the area.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, *"I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply"*.

#### Layout:

This part of this side of High Road is characterised by detached properties on relatively wide plots, further to the west there are semi-detached properties with average plot widths of about 9 metres compared to the abnormally wide application site which is some 39m in width and is only occupied by one dwelling. To the east of the site the properties in Princes Close back on to the High Road, so that the High Road itself maintains a hedged and relatively rural character.

The proposed layout results in 3 plots, the largest plot to the west of approximately 12m width to be occupied by a single detached dwelling to match the dwelling previously approved under EPF/2396/16) and two smaller plots of approximately 8m width each to be occupied by a pair of semi-detached dwellings. Given the mix of development in the locality this is considered to be appropriate and not out of keeping with the general surrounding density or pattern of development. The houses would front the High Road, which makes sense. Whilst parking would be to the front of the properties, given the size of the front garden areas proposed there is adequate space for the parking and turning areas not to over dominate the street scene, (unlike an earlier application for 6 dwellings).

#### Design and Appearance:

The surrounding area is characterised by a mix of two-storey terraced and semi-detached houses and 1970's three-storey flats of various architectural styles and designs. Paragraph 131 of the NPPF sets out that *"great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*. The proposed dwellings are of a contemporary design and appearance and would incorporate a mixture of render and brick which would respond well to the local area and would conform with policies DBE1, DBE2 and DBE4 of the Epping Forest District Local plan which seek to ensure that *"new development is satisfactorily located and is of a high standard of design and layout"* and clarifies that *"the appearance of new development should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties"*. Given the above, it is considered that the proposed dwellings would respect the general scale, height and character of dwellings within the street scene and would not adversely affect the character and appearance of the locality.

### Access and Parking:

Whilst the application site is located within the built up area of North Weald, public transport is rather limited and reliance on vehicles is accepted. A new vehicular access is proposed off the highway and visibility in both directions is good. The proposed access and parking areas are considered acceptable having regard to the Essex County Council Parking Standards. Whilst the concerns regarding additional traffic are noted the application site has previously been reviewed by Essex County Council Highways Authority who concluded that development at this site is “*not detrimental to highway safety, efficiency or capacity at this location*”. Each dwelling is served by two off-street parking spaces and there is additional provision for two off-street visitor car parking spaces. A condition can be imposed to ensure the parking provision indicated on the submitted plans will be provided prior to the first occupation of the development. Whilst the concerns regarding parking are noted it is not considered that refusal of the application on the basis of perceived inadequate parking provision could reasonably be sustained.

### Residential Amenity:

The footprint of the proposed dwelling on Plot 1 would be set back from High Road and whilst set closer to the flank wall of No. 169, it is not considered to adversely impact the amenity of this dwelling. A condition can be imposed to obscure glaze the windows on the side elevation facing No. 169 in order to prevent any loss of privacy or overlooking. While the concerns from No. 169 are noted, the proposal is not considered to result in an unacceptable degree of harm sufficient to warrant refusal of the application in this regard. The proposed semi-detached dwellings on plots 2 and 3 are set slightly further back from the principal elevation of the proposed dwelling on plot 1 and maintain a sufficient gap to the sides between the proposed dwellings on plots 1 and 4 and do not give rise to any amenity concerns. Whilst all three plots back onto gardens to the rear of properties on Princes Close, given the distance of approximately 20m from the rear elevations of each proposed dwelling to the shared boundary with the retention of the existing hedging proposed, it is not considered to result in any excessive harm to the residential amenities of properties on Princes Close. While the objection from No. 47 Princes Close is noted it is not considered to result in an unacceptable degree of harm such that a refusal of the application could be reasonably sustained. Each plot benefits from adequate private amenity space with access to the rear.

### Other Issues

#### Drainage:

Whilst the concerns regarding flooding are noted, the application has been reviewed by the Council’s Engineering, Drainage and Water Team who have raised no objection to the proposal subject to the imposition of conditions.

#### Contaminated Land:

The site has not been identified as potentially contaminated, but given the residential use, it is considered appropriate to apply a condition relating to any unexpected contamination being found.

#### Ecology:

As set out in policy NC1 of the Adopted Local Plan and policies DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy



for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the applicant has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

### **Conclusion**

The proposed scheme is considered appropriate, would not adversely impact the character or amenity of the area and is therefore in accordance with the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval subject to conditions.

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

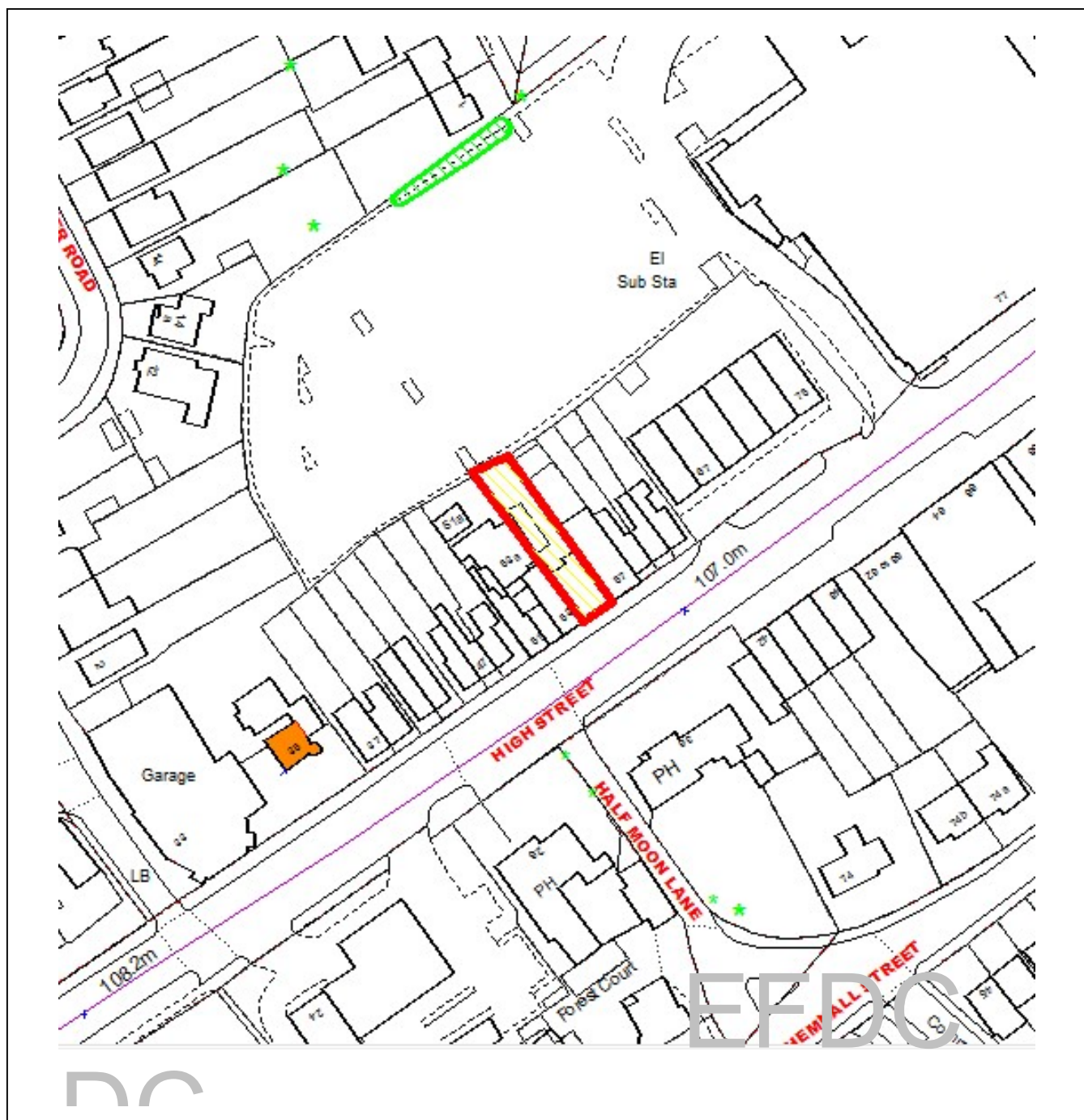
***Planning Application Case Officer: Patrick Flanagan  
Direct Line Telephone Number: 01992 564101***

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



# Epping Forest District Council

## Agenda Item Number 11



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Application Number:	EPF/1847/18
Site Name:	55 High Street, Epping CM16 4BA
Scale of Plot:	1:1250 (approx.)

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1847/18
<b>SITE ADDRESS:</b>	55 High Street Epping Essex CM16 4BA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Vanda Watling
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment of existing shop (including new shopfront) with flat above, involving alteration and refurbishment of existing building plus new two storey building to the rear containing two flats.
<b>RECOMMENDED DECISION:</b>	Grant Permission with conditions (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=611717](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611717)

**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: 459/01, 459/04, 459/05.
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the north-east flank elevation shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 No preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming

materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 8 The refuse storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only and for no other purpose, unless otherwise agreed in writing by 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 and to at least one objection from a resident (Pursuant to The Constitution, Part Three: Scheme of Delegation)*

**And subject to the applicant first entering into a legal agreement under Section 106 to secure appropriate mitigation in terms of both recreational use of the forest and air quality with regard to impact on the Epping Forest SAC.**

#### **Description of Site:**

The application site consists of a currently vacant shop with first floor residential accommodation within the urban area of Epping. The site is situated within the designated Town Centre, however is not within the key frontage. The site is flanked on either side by retail units and to the rear by a large car park serving Tesco Superstore. The rear part of the site is an open yard. To the southeast of the site two residential properties have recently been erected behind No's. 51 and 53 High Street. These are accessed by way of an existing pedestrian archway between the two shops.

#### **Description of Proposal:**

Planning permission is sought for the redevelopment of the existing shop to include a new shopfront, the alteration and refurbishment of the existing building and the erection of a new two storey building to the rear containing two flats. The ground floor of the existing building would be remodelled to provide a revised internal layout accommodating the shop, kitchen, WC, stairwell, an access passageway to the rear as well as provision for cycle parking and bin storage. The first floor would be similarly remodelled to accommodate a 1 bedroom flat. The access passageway would lead to a courtyard beyond which the proposed two storey building would be erected. The new building would have a maximum width of 5.2m, a maximum depth of 13.2m, eaves height of 4.3m with a double pitched roof with a maximum pitch height of 7.1m.

### **Relevant History:**

EPO/0030/65 – Alterations to shop and self contained flat: Planning Permission.  
EPF/0422/85 – Change of use of first floor flat to offices: Refuse Planning Permission.  
EPF/1862/00 – Retention of two timber sheds in rear yard used for storage and assembly of picture frames: Planning Permission.

### **Policies Applied:**

#### **Epping Forest District Council Local Plan (1998) and Alterations (2006):**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP9 – Sustainable transport  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
H2A – Previously developed land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
TC1 – Town centre hierarchy  
TC3 – Town centre function  
ST4 – Road safety  
ST6 – Vehicle parking  
RP3 – Water quality  
RP4 – Contaminated land  
NC1 - SPAs, SACs and SSSIs

#### **The National Planning Policy Framework:**

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### **Epping Forest District Local Plan (Submission Version) 2017:**

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF. 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).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the

weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development

SP6 - Green Belt and District Open Land

H1 - Housing Mix and Accommodation Types

E2 - Centre Hierarchy/Retail Policy

T1 - Sustainable Transport Choices

DM2 - Epping Forest SAC and the Lee Valley SPA

DM9 - High Quality Design

DM10 - Housing Design and Quality

DM11 - Waste Recycling Facilities on New Development

DM15 - Managing and Reducing Flood Risk

DM18 - On Site Management of Waste Water and Water Supply

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

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

7 neighbouring residents were consulted.

53A EPPING HIGH STREET – Object on the grounds of accessibility to the site and parking provision.

57 EPPING HIGH STREET – Object on the grounds of impact on their business, noise pollution and hours associated with the construction works

EPPING TOWN COUNCIL – Object:

Committee **STRONGLY OBJECT** to this application.

This proposal is an overdevelopment of the site in terms of its bulk, scale and density.

There is the question of access to the two new flats at the back of the property. There seems to be only one front access for the shop and one front access for the existing flat upstairs.

There does not seem to be any provision for access to refuse collection.

There is no provision for vehicle parking for the two new flats. Even though the property is located near other forms of transport with cycle provision at the development, there is every likelihood that the residents in the two new proposed flats will own vehicles even though the development is in an urban area. There are existing car parking facilities in the town but this provision in the area is quite inadequate. There are severe parking issues in Epping and the insufficient parking from this scheme will put additional pressures on the surrounding roads.

National and Local policy seek to protect the quality of the urban environment. The additional pressure on parking will reduce the quality of the urban environment in neighbouring roads. Development now should not result in a reduced quality of life for future generations.

The Committee welcomes the refurbishment of the existing property as they agree that the shop front needs and update.

Relevant policies: CP6, CP7, DBE1, DBE8, DBE10, GB13

Emerging Local Plan: H1A (ii), (iii) & (v), DM9J, T1 C & F

NPPF: Para 17, 32, 39, 56

EPHING SOCIETY – Object on the grounds of overdevelopment of the site, access to the site, unacceptable amenity space provision and inadequate car parking provision.

### **Main Issues and Considerations:**

The main issues in the determination of this application are the principle of the development in this location, the design, the impact on neighbouring properties and highways/ parking implications.

#### **Principle of development:**

The application site consists of a currently vacant shop with first floor residential accommodation within the urban area of Epping. The site is situated within the designated Town Centre, however is not within the key frontage. The site is flanked on either side by retail units and to the rear by a large car park serving Tesco Superstore. The rear part of the site is an open yard. To the southeast of the site two residential properties have recently been erected behind No's. 51 and 53 High Street. These are accessed by way of an existing pedestrian archway between the two shops.

The proposed alterations to the ground floor of the existing building would include internal alterations to the rear of the shop and would also include the provision of a ground floor 'passageway' between the shop and the neighbouring premises at No. 57 High Street in order to gain separate access to the four new flats.

Whilst the proposal alterations would result in some loss of retail floorspace this would not be to a significant degree and it is considered that the remaining floor area would be sufficient to continue trading as a retail store. The provision of an additional residential unit within the existing building would be considered acceptable within this urban, town centre location since it would accord with the presumption in favour of sustainable development.

The provision of a new build block of two flats within the rear yard does create a somewhat constrained backland development, whilst this element of the proposal follows the recently erected development on the neighbouring site, which is similar in terms of location, design and layout, that development replaced an existing substantial building and should not be seen to set a precedent for this form of development within this location. Provision of a new passageway in order to provide access to the site would enable the use of the rear yard for residential purposes, and the new building to be erected would be viewed within the context of the neighbouring development.

Residential uses are recognised as being beneficial to town centres as it increases activity, security and custom. This is highlighted within Paragraph 85 of the NPPF which states that Local Planning Authorities should, amongst other factors, "*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites*".

The application site is located within Epping Town Centre, which is one of the larger built up towns within the District and is well served by local services and amenities, and has good public transport links. The 'golden thread' that runs through the NPPF in terms of both plan-making and decision-taking is the presumption in favour of sustainable development. The intensification of use of this site would accord with this presumption and would be afforded significant weight.

#### **Design and Appearance:**

Policies DBE1, DBE2 and DBE4 of the Epping Forest District Local plan seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new development should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties. The concerns

expressed by Epping Town Council, the Epping Society and neighbouring residents regarding overdevelopment of the site must be balanced against the carefully thought out design of the proposal that respects the overall scale, height and relationship of the building to its plot boundaries and to the surrounding built form. The design of the proposed extension to the existing building would mimic and retain the character and appearance of the existing building and is therefore considered to be acceptable. Furthermore, the new building to the rear appears to mirror the building to the rear of the adjacent site and likewise is considered to be acceptable. Whilst it is generally accepted that properties within town centres can provide less amenity space, the Epping Society have raised concerns regarding amenity provision for the proposal. The submitted plans indicate provision for amenity space and both Lower Swaines Recreation Ground and Stonards Hill Recreation Ground are within walking distance of the site. Although this would not meet the recommended standards as laid out within the Essex Design Guide and Local Plan policy DBE8, given the above, the town centre location and the small size of the flats proposed, together with other instances of residential units that do not benefit from any amenity space in Epping Town Centre, (including the units currently above No's 51 and 53 High Street) it is not considered sufficient grounds to warrant a refusal of permission.

#### Impact on Neighbours:

Given the location of the site and adjoining land uses it is considered that the development has been designed in such a way to ensure that there is no detrimental loss of amenity to neighbouring residents. The proposed rear building would be located parallel to the adjoining development of No's 51A and 53A. There are no windows on the south-west flank elevation which would not result in overlooking or loss of privacy for the neighbouring dwelling to the south-west. Furthermore, the windows on this neighbouring dwelling serve a store and a stairwell therefore resulting in no unacceptable loss of light. Since the only first floor flank window on the north-east elevation of the proposed building would serve a bathroom and would be obscure glazed there would be no loss of privacy for the adjoining neighbour at No. 57. The south-east elevation of the proposed building would have a window serving a bedroom which is not considered to result in any undue loss of privacy to neighbouring residents or future occupiers of the first floor flat over the shop. Whilst the north-west elevation of the proposal would have a dormer window and doors opening onto a balcony it is not considered to result in overlooking or loss of amenity for neighbouring properties given that the balcony would be screened by obscure glass side panels 1.7m high. As such it is considered the proposal does not result in any harm to the amenity of neighbouring residents. Concern has been raised by No. 57 High Street with regards to disturbance and noise as a result of construction works, however since any such harm as a result of construction is a short lived issue it is not a material planning consideration. Nevertheless, conditions could be imposed in order to reduce and control any potential impact as a result of the construction of the proposal.

#### Parking/Highway Implications:

Concern has been expressed by Epping Town and Council and the Epping Society due to a lack of off-street parking provision. Whilst the Essex County Council Vehicle Parking Standards would normally expect 2 off-street parking spaces per dwelling and 1 visitor parking space for the site, it does allow for reduction in numbers in sustainable locations such as town centres. Given that this only allows for a 'reduction' rather than no provision it has been accepted that zero-parking schemes can be appropriate within certain designated town centres, including Epping. Furthermore policy T1 F(iv) of the Submission Version of the Local Plan states that "*reduced car parking, including car free, development in sustainable locations will be supported*". Although this would not necessarily allow for a zero parking residential scheme there is no vehicular access to the site and therefore no possibility of providing off-street parking on site. The town centre is well protected by parking restrictions and as such it is not considered that this proposal will be detrimental to highway safety or cause any on-street parking issues in the vicinity. Space has been provided within the site for the storage of bicycles in accordance with adopted standards.



There are many examples of flats above shops in the town centre which do not have parking provision.

### **Other Matters**

#### **Epping Forest Special Area of Conservation (SAC):**

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from relatively poor local air quality alongside the roads that traverse the SAC. The Council is currently developing with partners an interim strategy for the management and monitoring of visitor pressures on the SAC. This will include measures to be funded through the securing of financial contributions from new development in accordance with Policy DM 2. Notwithstanding the fact that this work is yet to be completed the agent has confirmed willingness to enter into a S106 Agreement to assist in the funding of the mitigation measures.

#### **Archaeological Advice:**

The Historic Environment Advisor of Place Services, Essex County Council has been consulted and provided the following response: The Essex Historic Environment Record (EHER) shows that the proposed development is located on the edge of the historic town of Epping (EHER 3826). The 1<sup>st</sup> edn. OS map shows properties fronting the High Street, the age of these is not known. There is the possibility therefore of archaeological features relating to the origins and development of Epping being impacted on by the proposed development. A condition will be imposed on any planning permission granted.

#### **Contaminated Land:**

All readily available council records regarding former land uses have been screened and there is no evidence of a former industrial or potentially contaminating land use on the site. However, directly to the north a Depot is registered on our system, this is classified as a potentially contamination site. Moreover, there is an Electricity sub-station located directly to the east. The answers to Question 14 on the application form regarding sensitive use that is particularly vulnerable to the presence of contamination were answered no however residential use would be considered a sensitive use. As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

#### **Waste:**

Epping Town Council has raised concerns regarding the storage and collection of waste at the application site. The submitted plans indicate provision for the storage of bins and the proposed access alley will enable the bins to be presented for the Council's refuse collection service. A condition can be imposed to ensure the bin storage facility shown on the approved plans shall be completed prior to the first occupation of the development and shall thereafter be retained free of obstruction and used only for its intended purpose.

## **Conclusion**

The proposed development would not be detrimental to the character and appearance of the area or the amenities of surrounding residents and would provide much sought after accommodation in a sustainable location. Whilst no off-street parking is proposed and the level of amenity space is less than normally desired, given the sustainable town centre location, the small scale of the units proposed and inability to gain access for parking this is not considered to be unduly detrimental. The scheme makes best use of urban land in accordance with the NPPF and the submission version Local Plan. As such the proposed development is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

**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: Patrick Flanagan**  
**Direct Line Telephone Number: 01992 564101**

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