

AREA PLANS SUB-COMMITTEE ‘WEST’

13 February 2019

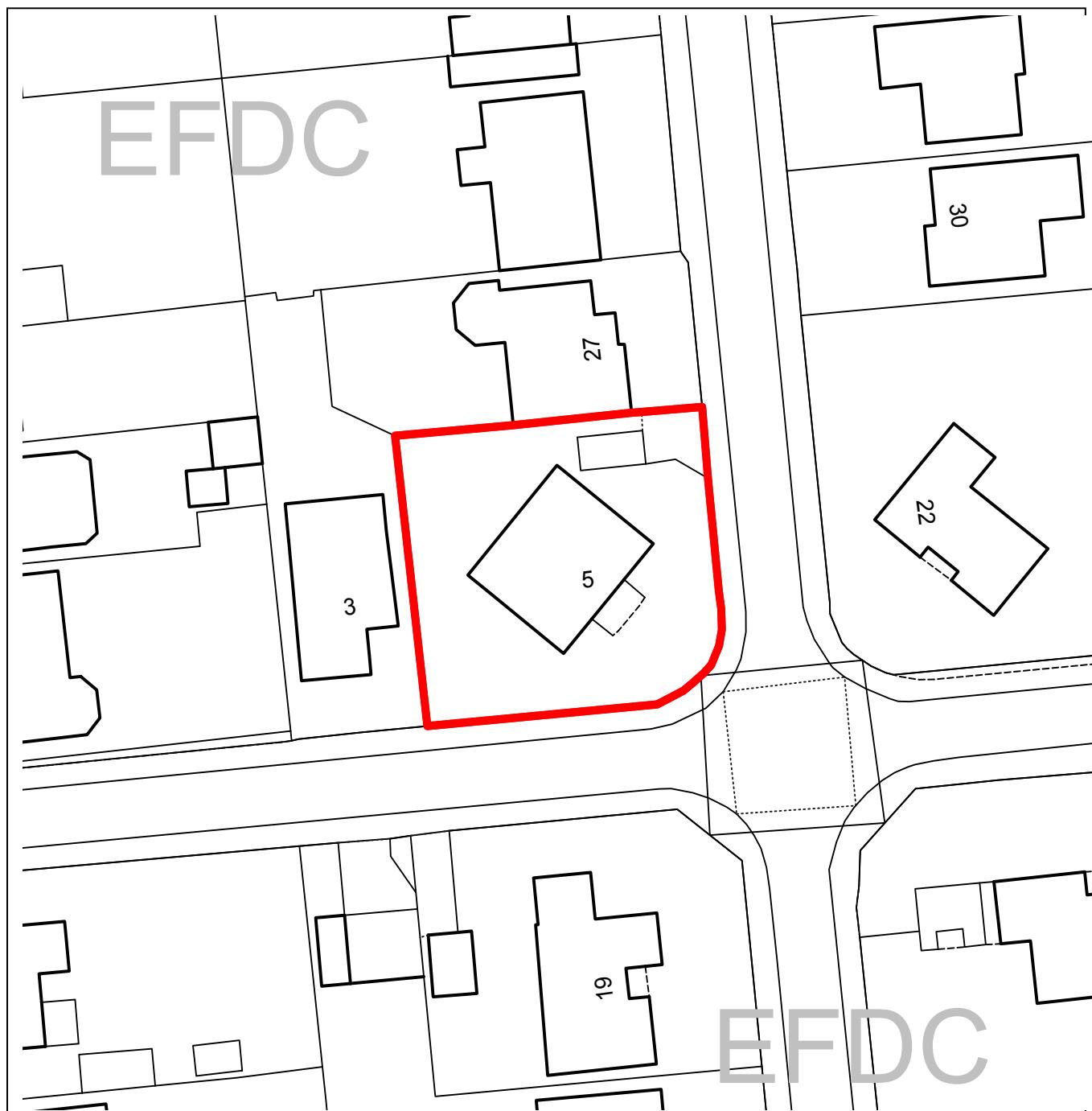
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/2889/18
Site Name:	1:500
Scale of Plot:	Oak Porch House 5 Western Road Nazeing Essex EN9 2QN

Report Item No:1

APPLICATION No:	EPF/2889/18
SITE ADDRESS:	Oak Porch House 5 Western Road Nazeing Essex EN9 2QN
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Oak Porch House
DESCRIPTION OF PROPOSAL:	Change of use from residential (C3) to a mother and baby assessment unit offering parenting assessments by a registered social worker (sui generis).
RECOMMENDED DECISION:	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=616474

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Site Location Plan, Existing Second Floor Plan, Existing First Floor Plan, Existing Ground Floor Plan
- 2 The use hereby permitted shall cease on or before the following date, 13 February 2022.
- 3 Prior to the commencement of the proposed use, an operational management plan for the use shall be submitted to and approved by the Local Planning Authority and the use shall at all times be operated in accordance with the agreed plan. This shall include but not be limited to staffing levels, times when residents may be permitted to leave the premises, times when the garden may be used and CCTV supervision. The plan shall also include provisions for the submission of an annual log of complaints regarding the use to the Local Planning Authority.
- 4 The premises shall only be used for the assessment of parents and children and at no time should more than four parents and four children be residing at the property. Also, at all times there should be a paid worker on the premises to supervise them when the use is in operation.

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 more than five objections have been received which are material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix 1.(3c)

Description of Site:

The application site comprises of a large two storey dwellinghouse. It is not within a Conservation area nor is it a Listed Building. It is situated on a corner plot on the junction where Western Road meets Highland Road. The application dwelling has benefited from significant alterations and extensions over the years and benefits from two vehicle access points, one from Western Road and the other from Highland Road. The site frontage can accommodate a number of vehicles. There is no uniform architectural style, design or character of dwellings along this street. The street does however; predominantly consist of residential family sized dwellings.

Description of Proposal:

Change of use from residential (C3) to a mother and baby assessment unit offering parenting assessments by a registered social worker (Sui Generis)

Relevant History:

EPF/1252/14 Prior notification application for a 4 metre deep single storey rear extension with eaves height of 2.4 metres and overall height of 3.6 metres. Prior Approval Not Required

EPF/0372/10 Erection of front entrance gates and railing with brick piers and dwarf brick walls. (Revised application) Approved.

EPF/0097/10 Certificate of lawful development for a proposed rear dormer window in a loft conversion and a single storey rear extension. LAWFUL

EPF/2246/09 Part single storey, part three storey rear extension and erection of front boundary gates, walls and railings. Refused.

Policies Applied:

Adopted Local Plan:

- CP2 Protecting the quality of the rural and built environment
- DBE9 Loss of Amenity
- DBE10 Design of Residential Extensions

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of 24th July 2018. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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
DM9	High Quality Design
DM10	Housing Design and Quality

Consultation Carried Out Summary of Representations Received

Number of neighbours Consulted: 5

Responses received: SIX OBJECTIONS received from the following addresses:

- 3 WESTERN ROAD
- 27 HIGHLAND ROAD
- 17 HIGHLAND ROAD
- 22 HIGHLAND ROAD
- 15 HIGHLAND ROAD
- 43 HIGHLAND ROAD

The Objections are summarised below:

- Noise impact of proposal
- Parking impact, proposal will have staff and residents and doesn't seem to be enough parking off street which will inevitably lead to parking stress on local roads which would cause harm to highway and pedestrian safety. Emergency vehicles would have difficult passing through. Very difficult in the mornings during the school run with people parking carelessly in front of drives and on both sides of the highway making it difficult for traffic to pass on a two-way basis.
- Not suitable for locality which is residential in nature
- Concerns about crime and disorder
- Concern about the pressure the development would place on local public services i.e. local schools and health centres. The children would need schooling and have health needs like any other child in the locality.

Parish Council: OBJECTION

- The use class covers a wide range of uses for example care homes, hospitals etc. which is

- not acceptable to the Parish Council.
- Potentially 22 people could be living/employed at the residence, there will be parking and overcrowding issues
- Traffic issues
- Concern about neighbour amenity
- Concern about impact of proposal on a residential area. In terms of its intensification.

Main Issues and Considerations:

The application is for a change of use to a mother and baby assessment unit. There are no proposals to alter the external appearance of the building. A planning consultant has provided a letter giving details of the proposed use and it is considered helpful to quote fairly extensively from it:

"The key objection of the unit is for parents with babies (usually newborns) to be supported and their parenting skills to be assessed, such as the ability to buy and prepare food for their family. The assessments would also focus on the emotional and physical development of the children referred to the centre (by either a Local Authority or by a court) alongside the promotion of a parent's self esteem and confidence, psychological assessment and child development/ care needs. Ultimately, transitional plans are developed whilst families are at the unit to enable the retention and growth of parenting skills which would ensure families can function long term, within communities, without requiring assistance.

The operation could potentially involve the use of all six bedrooms within the property at any one time to house a 'family'. This would result in a maximum occupation of up to six 'families' which would normally comprise of one mother and one baby, thus resulting in one parent and one baby/babies per bedroom.

The family would be accommodated at the property for between twelve to sixteen weeks on average. As the unit would provide temporary accommodation for parents with extremely young children (usually newborns) there would be no requirement for schools places.

In addition to the bedrooms, the property would also accommodate an office for use by staff.

A social worker and a manager will be present during the day with a staff member present over night. Accordingly, whilst none of the staff are resident 24/7, there would be around the lock, minimal staff supervision at all times.

The duty staff members will work on a rota basis to supervise the residents and 'handover' to the assessors/social workers will typically take place no earlier or later than 07:00 and 22:00 hours each day".

The applicants have submitted floor plans in support of their application, no change to the floor layout of the building.

The proposed use is not considered to fall within any use class and is therefore sui generis as categorised by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Living Conditions of neighbours

No external changes are proposed. The application is purely a change of use from C2

According to the supporting statement, visitors will be strictly limited and visitor hours will be

confined to 10:00 to 18:00 each day (except in an emergency). Parents will be encouraged to remain on the premises with their child, and only permitted to undertake supervised trips to local shops and other service facilities during the daytime (typically between hours of 09:00 and 17:00), when ready to do so.

Neighbours will be provided with a name and contact number by the operator of the facility in case of an incident. All neighbours will be encouraged to contact the Duty Manager in the first instance.

The garden area will be limited between hours of 08:00 to 21:00 Monday to Sunday. Music or amplified sound will not be allowed within the garden area. Any music or amplified sound will be restricted inside the premises to ensure it is not audible at the boundaries of the building.

No drugs or alcohol will be present on the premises. The main entrance will be monitored by CCTV. CCTV material will only be retained for a maximum period of seven days unless otherwise required for investigative purposes.

As stated earlier, the current six bedrooms at the application building will be occupied by one family each comprising of a parent and a new-born child. There will be a maximum of two staff present during the day and one staff member present overnight.

The proposal is unlikely based on the information above, to cause excessive harm top neighbour amenity. It is unlikely to result in increased noise nuisance, a significant loss of privacy or an attraction for anti-social social/criminal behaviour compared with the existing use of the application site.

Suitably worded conditions could be imposed to enable the Local Planning Authority to exercise control on a number of fronts to mitigate the potential amenity impact of the proposal. These are outlined below.

1. Temporary Planning Permission is recommended for the proposal in order to enable the LPA to assess the impact of the use on the amenity of nearby residential properties during this period.
2. Prior to commencement of the proposed use an operation management plan for the use shall be submitted to and approved the LPA and the use shall at all time be operated in accordance with the agreed plan. This plan shall include not be limited to staffing levels times when residents maybe permitted to leave the premises, times when the garden may be used and CCTV supervision. The plan shall be also include provision for the submission of an annul log of complaints regarding the use to the LPA. The reason for this is to control the nature of the use to prevent it unduly affecting the amenity of nearby residents.
3. The premises shall only be used for the assessment of parents and children and at no time should more than six parents and six children be residing at the property. Also, at all times there should be a paid worker on the premises to supervise them when the use is in operation. Reason for this is to control the nature of the use to prevent it unduly affecting the amenity of nearby residents.

Full wording of the conditions above are outlined in the Council's Draft Decision Notice.

It is important to note that it would be inappropriate for cameras to have views of neighbouring properties. Condition number two would prevent the installation of CCTV in inappropriate locations.

Whilst finely balanced, given these safeguards, particularly the acceptable of a temporary permission, it is considered the application should be approved.

Highways

The County Highway Authority were consulted on this application and have no objections to the proposal. There is sufficient space in the site frontage to accommodate a number of vehicles for parking. Moreover, there are no parking restrictions along this street and site inspections and street surveys suggest it is not a street that is heavily parked. As such, any overspill parking from the proposal would not cause a detrimental impact on highway safety, cause significant parking stress or impact on the functioning of the public carriageway. The road has a sufficient width enabling two way traffic and emergency vehicles to pass through without much difficulty to traffic flows. Though the Essex Parking Standards do not have a specific category to calculate the requirement for the proposed use, using the standards for hostels, which would seem to be the nearest equivalent use, would mean that one space per full-time staff equivalent, i.e. two parking spaces , are required. The site frontage can accommodate four parking spaces.

This would provide parking for two social workers present during the day plus one for a visitor. It is envisaged that residents would be unlikely to bring cars and this issue could be addressed in the management plan by preventing residents bring cars. Whilst it is possible "overspill" parking may occur occasionally, this is likely to be fairly rare and not contribute to parking stress for reasons outlined above. Refusal of planning approval as being contrary to policy T2 of the Submission Version of the Local Plan (2017) is therefore not considered to be justified.

Waste

It is not envisaged that rubbish generated would be significantly more than for an ordinary dwelling. Sufficient space is available for refuse and recycling containers/bins.

Other Matters

It is acknowledged that the proposal is not conveniently located for shops and other facilities. The additional shopping and other trips that the proposed use would generate would not be very significantly more than a residential use and refusal for this reason would not be justified.

Devaluation/loss of property value and possible difficulty selling houses are not issues which can be taken into account in dealing with a planning application.

Conclusion:

The main issue to be considered in relation to this application is the effect of this proposal on neighbours. Given that the residents are being assessed there will be a strong incentive to behave well. A management plan, combined with a temporary permission so the development can be trialled, would ensure this use would be unlikely to affect neighbours sufficiently to justify refusing permission. Also as outlined above, parking is not considered to justify refusal of approval. The application s 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:

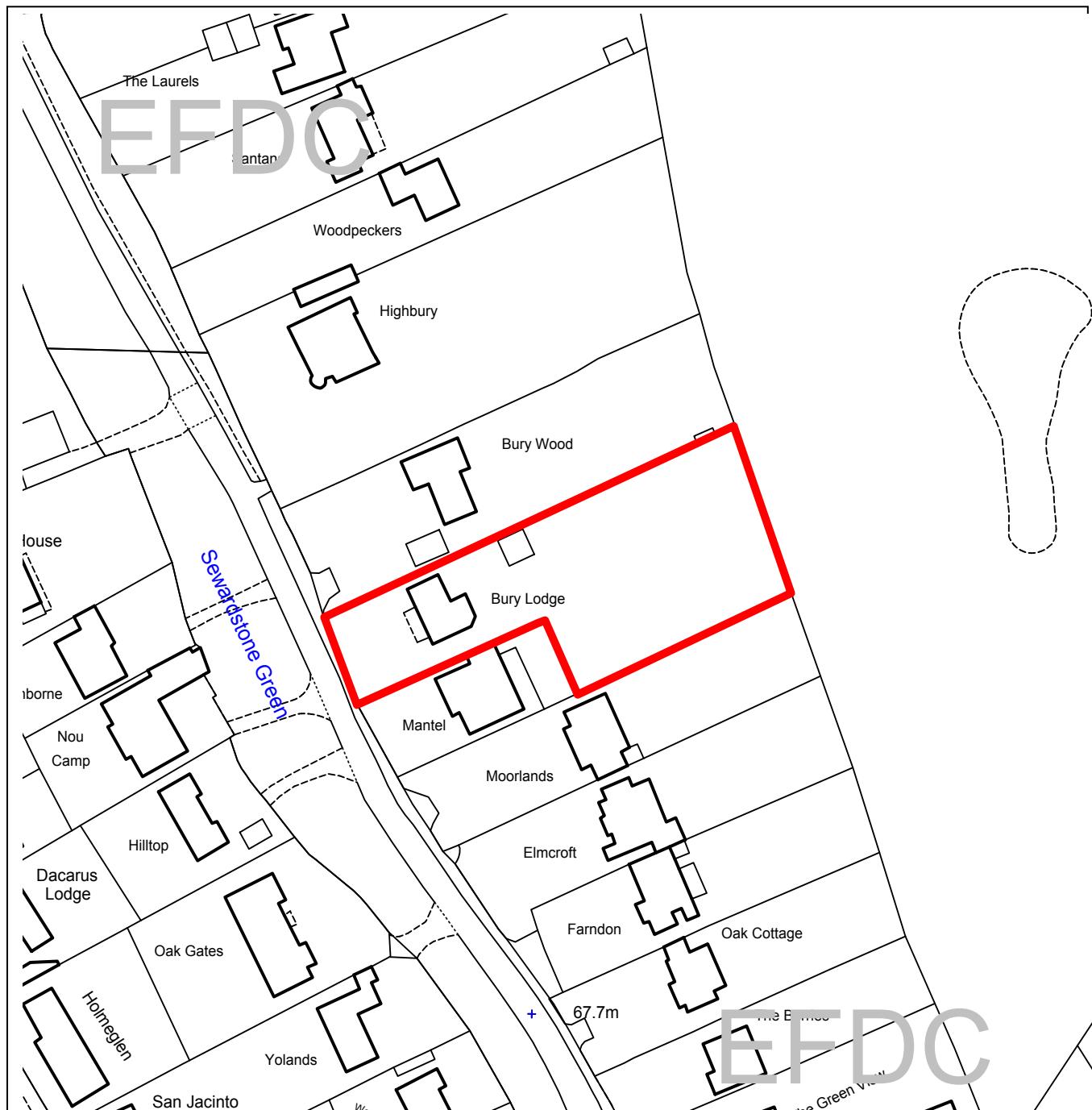
***Planning Application Case Officer: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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

Epping Forest District Council



Agenda Item Number 2



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Application Number:	EPF/3327/18
Site Name:	Bury Lodge Bury Road E4 7QL
Scale of Plot:	1:1250

Report Item No:2

APPLICATION No:	EPF/3327/18
SITE ADDRESS:	Bury Lodge Bury Road Waltham Abbey Essex E4 7QL
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Nina Chaudhary
DESCRIPTION OF PROPOSAL:	Replacement dwelling at Bury Lodge.
RECOMMENDED DECISION:	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=618459

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 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:

FXC_001, 002, 005B, 006,, 007, 008, 010G, 100H, 200J, 201 J, 203B, 180516-L-10 rev A ;
Design and Access Statement;
TMA Aboricultural Report 180516-PD-11a Dec 2018;
Ken Rush Associates Flood Risk Assessment and Management and Maintenance Plan 18-6354 Dec 2018;
TMA Bat Survey and Mitigation report Sept 2018 180516-ED-02a;
TMA Ecological report 180516-ED-01b
- 4 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to

be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 5 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 6 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 7 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (Flood Risk Assessment Management and Maintenance Plan, Ref 18-6354 December 2018) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 8 A specialist bat consultant, registered to use the Low Impact Class Licence, must be engaged to ensure that demolition works to the building are undertaken in accordance with the relevant legislation and guidance issued by Natural England. A letter from the hired ecologist stating that they have been engaged to carry out this work will be submitted to the Local Planning Authority for approval.
- 9 Prior to commencement of works a Construction Method Statement will be submitted to EFDC for approval. This will include the recommendations made in the ecological report regarding badgers, hedgerows and reptiles.
- 10 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 the 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.

- 11 Prior to commencement of works an ecological enhancement plan will be submitted to EFDC for approval. This shall include;
 - a) A lighting design strategy for biodiversity
 - b) A plan showing the location of the bat boxes recommended in the ecological report.
- 12 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 Soft landscaping shall be implemented as shown on Tim Moya Associates 'soft landscaping plan' drawing number 180516-L-10 rev a dated December 2018 and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations. 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 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Tim Moya Associates 'tree protection plan' drawing number 180516-P-12 rev b dated September 2018.
- 15 Prior to the first occupation of the development any redundant dropped kerbs shall be reinstated to full height, including, any necessary footway works as required.
- 16 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 18 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 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.

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 are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises an 'L' shaped parcel of land which covers an area of approximately 0.27 hectares located on the eastern side of Bury Road. It contains a turn of the century two and a half storey detached house which has been altered significantly since it was built. There are protected trees along its southern most boundary. The site is surrounded on its north, south and west by an eclectic mix of detached bungalows, two and two storeys with rooms in the roof houses surrounded by verdant curtilages. An open golf course adjoins the its eastern boundary.

The site is located within land designated as Green Belt. It is not listed or within a conservation area. This site is more than 3km away from the Epping Forest Special Area of Conservation.

Description of Proposal:

Permission is sought for the replacement dwelling and new boundary treatment.

The proposed dwelling would measure 14.8m in width on the front elevation but then the side flank wall steps back so that the width of the dwelling at the rear is 13.3m. The length of the dwelling is 22m including a 1.9m two storey projecting bay to the front and a 4.3m single storey projection to the rear. The ridge height will be 10.9m

The house has a total floorspace of 660 square metres.

The proposed materials include Fair faced brick work to walls, natural slate on the roof along with timber /aluminium framed fenestration.

Access to remain as existing.

Boundary treatment includes 1.2m high painted metal railings and gate with hedge behind on front boundary. 1.8m high close boarded fence on side boundaries.

Relevant History:

Reference	Description	Decision
EPF/2630/18	Replacement dwelling and new boundary wall	Withdrawn
EPF/1417/17	Outline application for the existing three storeys dwelling to be replaced with a larger three storeys dwelling with a floor area of approximately 465 square metres	Granted
WHX/0135/04	Dwelling house	Granted
WHX/0412/26	Proposed alterations	Unknown
WHX/0215/65	Demolition of Bury Lodge. Erection of 1 dwelling House.	Withdrawn
WHX/0073/66	RE-MODELLING OF EXISTING HOUSE	Grant permission
WHX/0156/71	S/S BOILER HOUSE WITH STORE IN CONNECTION WITH SWIMMING POOL	Grant permission

Policies Applied

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

CP2: Protecting the Quality of the Rural and Built Environment

CP3: New Development

DBE1: New Buildings

DBE4: Design in the Green Belt

DBE8: Private Amenity Space

DBE9: Neighbouring Residential amenity

GB2A:Development in the Green Belt

GB7A:Conspicuous Development

HC5: Epping Forest

LL10 Adequacy of provision for landscape retention

LL11: Landscaping Schemes

ST1: Location of Development

ST2: Accessibility of Development

ST4: Road Safety

ST6 vehicle Parking

U3B Sustainable Drainage Systems

RP4 Contaminated Land

NC1 - SPAs, SACs and SSSIs

NC3 - Replacement of Lost Habitat

NC4 - Protection of established Habitat

NC5 – promotion of Nature Conservation Schemes

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:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can 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 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:

SP6 -	Green Belt and District Open Land
T1 -	Sustainable Transport Choices
DM1 -	Habitat Protection and Improving Biodiversity
DM2	Epping Forest SAC and the Lea Valley SPA
DM4 -	Green Belt
DM9 -	High Quality Design
DM10 -	Housing Design and Quality
DM11 -	Waste Recycling Facilities on New Development
DM15 -	Managing and Reducing Flood Risk
DM16 -	Sustainable Drainage Systems
DM18 -	On Site Management of Waste Water and Water Supply
DM19 -	Sustainable Water Use
DM20 -	Low Carbon and Renewable Energy
DM21 -	Local Environmental Impacts, Pollution and Land Contamination
DM22-	Air Quality

Adopted Local Plan:

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 5

Responses received:

MONTAL: OBJECT The new replacement dwelling will overlook our property, this will certainly impact on the peaceful enjoyment of our home and garden. The building will be visually overbearing. It is an inappropriate design for this part of Bury road. Such a large building would be totally out of keeping with the neighbouring properties which are mainly smaller houses and a single storey bungalow. The sheer size of the house will cause us to lose a substantial amount of

view which we currently prize. We only moved into our new home in October and in the process of buying our house we knew that a new dwelling was going to be built on the original plot to roughly the same size. We invite you to visit our home to verify that these objections are valid. Therefore, we ask that Epping Forest District Council to refuse this planning application and encourage BB partnership to resubmit a building design that is smaller, less intrusive on neighbouring properties, and more sensitive to the character of this Road.

GREAT OAKS: OBJECT: The applicant aims to make it another one of their care 2 share businesses.

NORWOOD: OBJECT: The proposed property is far too large for the plot and will be an overbearing eyesore when taking into consideration the neighbouring properties.

OAK GATES: OBJECTION: Very concerned this is still a stealth commercial application being represented as a residential dwelling. Planning should be allowed only if there are property covenants implemented to ensure property remains a family residential home only which the owner shouldn't be opposed to given this is "fully" their intention.

ELMCROFT: OBJECT: Bury road, this is a quiet residential street. We cannot see any purpose for the property to require space for six cars, for a family? The plans offer no sense of an effort to remain consistent with other dwellings situated nearby. Surely there is a mechanism that ensures that if planning is granted, then there will be no deviation from its apparently intended use as a family residential home in the future. If the applicant subscribes to these covenants, then we may feel that this is the actual intention. We also note that there was an official planning application pinned to the front fence, incredibly briefly, prior to it being taken down. It's certainly not been there this week. We wish to understand further the measures available to us to protect the future of the community if the intention is, as appears, to be to convert to a commercial property in the future.

BURYWOOD: OBJECT: Overdevelopment; Loss of light to neighbours; excessive development in the Green Belt; over intrusive in the Green Belt; Harmful to the character and appearance of the road; overbearing.

PARISH COUNCIL: No comments received.

Main Issues and Considerations:

The main issues are the impact the proposal will have on the aims and purposes of the Green Belt, impact on neighbours and the design of the new building in relation to its setting.

Background

Outline application under reference EPF/1417/17 was approved for the existing three storeys dwelling to be replaced with a larger three storeys dwelling with a floor area of approximately 465 square metres. This permission is still extant and therefore is a material consideration in the determination of the application.

Principle

The application submitted, is for a replacement building is to be used as a single-family dwelling house. Any departure from this use would therefore be a material change of use and as such would require a further planning application.

Green Belt

Paragraph 133 of the National Planning Policy Framework (the Framework) says that 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. Paragraph 143 says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is broadly restated in Policies GB2A of the Local Plan. Paragraph 145 of the Framework states that the Council should regard the construction of new buildings as inappropriate in Green Belt unless (inter alia) it can be demonstrated that the proposal is the ‘Limited infilling of a village and limited affordable housing for local community needs under policies set out in the Local Plan’.

The previous planning permissions for housing development within this road have demonstrated that the site is within a village and therefore limited infilling would be acceptable. The general principle is therefore acceptable. The second consideration that needs to be made is that this proposal a limited infill of the site. This judgement is made by assessing the existing character and appearance of the surrounding area.

The proposal replaces an existing house and is compatible with the size of other properties along Bury Road. There is development adjoining three of the boundaries of the site. The proposal is therefore considered to meet the ‘limited infill’ requirement and as such is considered not inappropriate development in accordance with the requirements of paragraph 145 of the NPPF and GB2A of the Local Plan.

Design

The replacement executive type house has a scale, height, density, massing, materials and the crown roof design reflects properties within this locality. Examples include the two houses approved under EPF/2250/14 and EPF/2135/16 at Knoll House. The designs of Winterstoke and Woodside are also similar. The proposal is therefore considered to be consistent with the character and appearance of the street. Furthermore, the height is also no more than exiting property on the site.

A new planted hedge and trees are proposed to replace the existing trees which have been removed and to the front boundary and 1200mm painted metal railing and gates with a planted hedge behind are proposed for the front boundary of the property.

It will therefore have a neutral impact on the distinctive local character of the area in accordance with chapter 12 of the NPPF and DBE 1 of the Local Plan.

Trees

The tree officer finds the details submitted in the supporting Tree Protection Plan, Arboricultural Impact Assessment and soft landscaping plan acceptable. She is therefore satisfied that further conditions will ensure that the health and stability of existing trees on the site will be protected and a suitable landscaping scheme could be achieved. The proposal therefore accords with the requirements of the LL10 and LL11 of the adopted Local Plan.

Quality of resulting residential accommodation

The proposed house has a good standard of design; provide a good standard of internal space, outlook, ventilation, and access and amenity space in accordance with paragraph 17 of the NPPF and supplementary guidance contained within the Essex Design Guide.

Impact on neighbouring residential amenity

The proposed house is 1.6m closer to the boundary with Montal than the existing house. The main building also extends 3.7m deeper and a further 3.3m at single storey level, into the garden than the existing house on the site. However, the height of the proposed house is the same as that of the existing building. The southern side flank wall of the proposed house is separated from the boundary wall by 2.6m.

The rear section of the proposed house that extends beyond the rear elevation of Montal is set in from its southern boundary adjoining Montal by 4m. Hedging is also proposed to screen the house further.

The window serving the third bedroom at Montal is within its northern flank wall facing the development. However, it is positioned 5.4m away from the nearest side flank wall of the proposed house and there is an existing 2.6m high wall between the two properties.

A corrugated roof lean to roof is attached to side flank wall (over the third bedroom) and the side extension. The existing levels of light and outlook achieved from these windows is already low. Plans indicate that the window within the side extension attached to Montal serves a store room.

Given the extant outline consent, the distance of the bungalow at Montal from the application property, the character of the wider Bury Road and conditions requiring windows within the upper floor side flank walls being obscure glazed and the removal of permitted development rights, it is not considered that this neighbour will be excessively affected by the proposal in terms of loss of light, outlook, privacy or dominance.

Bury Wood contains dormer windows within its southern elevation facing the application site. However, these windows are secondary, outlook from these windows is therefore not protected. The side flank wall of Bury Wood is set 8.9mm from the nearest side flank wall of the proposed house and the proposed dwelling does not extend beyond the rear elevation of this neighbour. Furthermore, soft landscaping is proposed for all the boundaries of the site, it is therefore considered that this property will also not be excessive affected by loss of light, outlook or privacy. All other properties are sufficiently distant as to ensure that they will not be materially affected. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan.

Land Drainage

The Land Drainage team agree with the findings of the submitted Flood Risk Assessment. They therefore recommend a condition be attached to any permission which requires that the development be carried out in accordance with the flood risk assessment (Flood Risk Assessment Management and Maintenance Plan, Ref 18-6354, September 2018) and drainage strategy submitted with the application. The proposal therefore accords with the requirements of policy U2B of the Local Plan.

Land Contamination

The Land Contamination Officer has found that the potential land contamination risks are likely to be low, and as result recommends that standard 'unexpected land contamination' conditions to ensure any contamination is remediated in accordance with policy RP4 of the Local Plan.

Ecology

The Countrycare team find the details submitted within the Bat Survey and Mitigation Report submitted by Tim Moya Associates September 2018 acceptable. They therefore raise no

objections to scheme subject to further conditions attached to any permission. It is for this reason that the proposal complies within the requirements of Chapter 11 of the NPPF and policy NC4 of the Local Plan.

Epping Forest Special Area of Conservation

Since the proposal is for a replacement house and not an additional house, the requirements for a financial contribution to pay towards access management and monitoring of visitors to the Forest in order to mitigate against the harmful impacts of development on the air quality and biodiversity within the Forest is not required.

Highways

Access is as existing and sufficient parking is proposed within the front forecourt of the property to comply with the requirements of ST4 of the Local Plan.

Conclusion:

A two and a half storey residential property is in principle acceptable due to the existing house on the site and the extant outline permission already approved. The submitted scheme has a design which is reflective of others in the locality and will not cause excessive harm to neighbouring residential amenity. It is for these reasons considered that the proposal complies with relevant planning policy and 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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