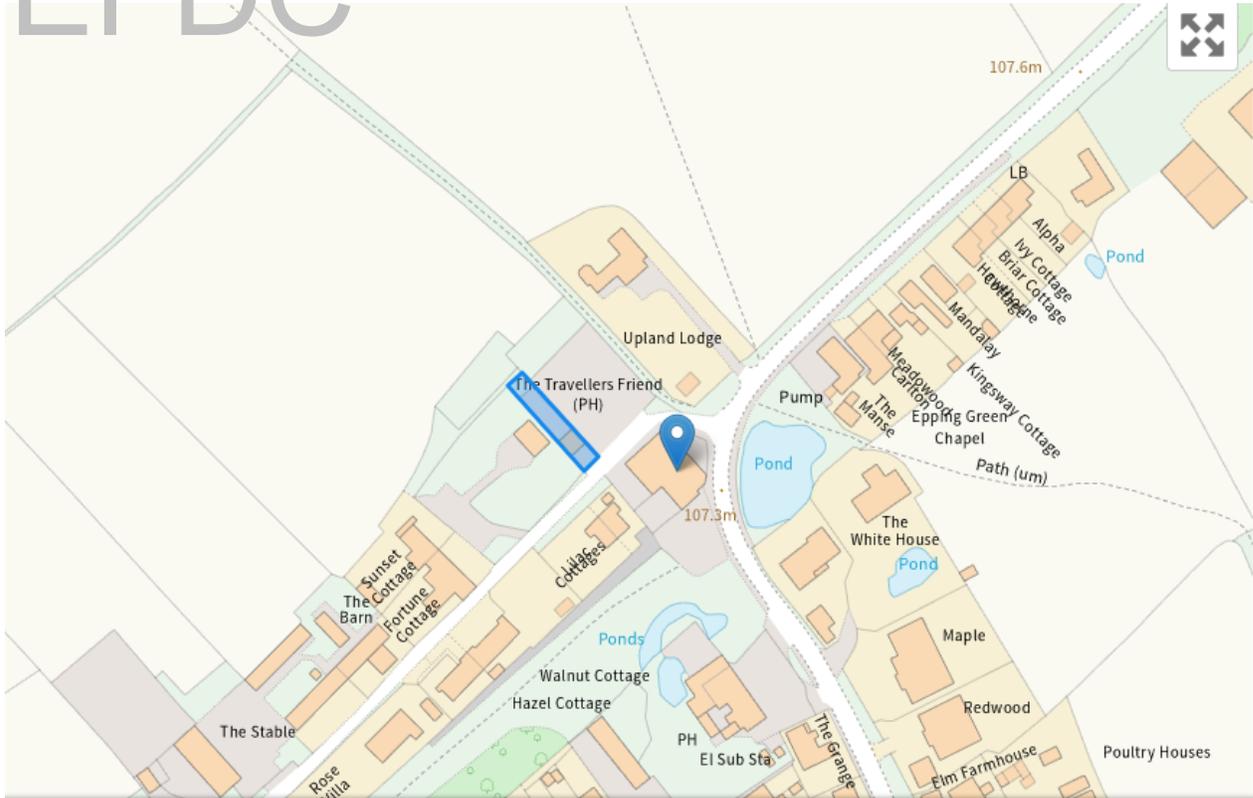




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Application Number:	EPF/0313/22
Site Name:	Land and garage adjacent to Travellers Friend PH car park Epping Road, Epping Green Epping, CM16 6PU

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OFFICER REPORT

Application Ref:
Application Type:
Applicant:
Case Officer:
Site Address:

EPF/0313/22
Full planning permission
Mr S Sellen
Sukhvinder Dhadwar
Land and garage adjacent to
Friend PH car park
Epping Road
Epping Green
Epping
CM16 6PU
Proposed replacement of double garage with a single bedroom dwelling.
Broadley Common, Epping U
Nazeing
Epping Upland
<https://eppingforestdcpr.force.com/g/application/a0h8d000000NyS0>
Approve with Conditions

Proposal:

Ward:

Parish:

View Plans:

Recommendation:

This application is before this Committee since the Area Plans Sub-Committee West's proposed decision is a substantial departure from the development or other approved plan for the area; (Pursuant to Article 10 of The Constitution).

This application carried an officer recommendation to refuse planning permission when reported to the Area Planning Sub-Committee West at their meeting held on 17 August 2022.

Members voted against this recommendation (8 votes).

Cllr Avey instead put forward a motion that planning permission for the proposal should be granted subject to the standard conditions. The motion was then seconded by Cllr Matthews. Members voted in favour of this motion by 8 votes (1 abstention).

RECOMMENDATION

That planning permission be GRANTED subject to the prior completion of a s106 obligation to secure the following:

A financial contribution towards EFSAC air pollution mitigation and monitoring along with a S106 monitoring fee.

And the following conditions: -

1 *The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*

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

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

Traffic Impacts relating to Habitats Regulations Assessment, Planning Statement, Sustainability Checklist, Sustainability Statement Phase 1 Site Investigation and Preliminary Risk Assessment by Remada September 2020 742.01.01, 22/002/01, 22/002/02, 22/002/03, 22/002/04, 22/002/05.

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

3 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.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

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

Reason: To ensure satisfactory provision and disposal of foul and surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2021.

5 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE 1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2021.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial

highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF 2021.

9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF 2021.

10 The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used.

Reason: To ensure that the proposed construction work does not cause nuisance and disturbance to neighbouring occupiers and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations, and policies DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

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 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.

Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework and policy GB2A of the adopted Local Plan and Alterations.

12 The solar panels shall be installed in accordance with the details shown on plan number 22/002/04 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To promote sustainable building design in accordance with CP5 of the Adopted Local Plan and Alterations and Policies SP3, DM 9 and DM20 of the Epping Forest District Council Local Plan Submission Version 2017.

Original report

This application is before this Committee since it has been 'called in' by Councillor Nigel Avey (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The site covers an area of 173 sqm and contains a double garage. The garage is accessed via an existing crossover and has an area of 31 sqm. The land to the rear of the garage is grassed with no trees and is enclosed by a 1.85m high brick wall on two sides.

The site is a small infill plot located between the Travellers Friend Car Park (40 spaces) to its eastern boundary and a Barn/outbuilding forming part of the gardens to Sunset and Fortune Cottages to its western boundary. Immediately opposite the site is the Travellers friend Public House and a number of cottages including Lilac Cottage, Walnut and Hazel Cottages. To the north are open fields.

The site is accessed directly from the Long Green. Although this road is not adopted, it does have a public footpath on it. The Public Right of Way no. 45 runs from footpath 74 Nazeing in a north-easterly direction to junction of footpath 44 at the parish boundary with intermediate crossings to footpath 4 and footpath 19 across Epping Long Green.

The site falls within land designated as Green Belt.

Description of Proposal:

Permission is sought for the replacement of a domestic double garage with a single storey one-bedroom dwelling.

Relevant History:

Refusal under reference EPF/1653/20 for the change of use from non-commercial vehicle storage to single storey dwelling with conservatory extension and single car parking space due to inappropriate development in the Green Belt.

DEVELOPMENT PLAN

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

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

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
CP9 – Sustainable transport
GB1 – Green Belt Boundary
GB2A – Development in the Green belt
RP4 – Contaminated land
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
NC3 – Replacement of Lost Habitat
NC4 – Protection of established Habitat
NC5 – promotion of Nature Conservation Schemes

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be

endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy Weight afforded

SP1 - Presumption in Favour of Sustainable Development Significant

SP2 - Spatial Development Strategy 2011-2033 Significant

SP3 - Place Shaping Significant

SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure Significant

H1 - Housing Mix and Accommodation Types Significant

H2 - Affordable Housing Significant

H3 - Rural Exceptions Significant

H4 - Traveller Site Development Significant

E1 - Employment Sites Significant

E2 - Centre Hierarchy/Retail Policy Significant

T1 - Sustainable Transport Choices Significant

DM1 - Habitat Protection and Improving Biodiversity Significant

DM2 - Epping Forest SAC and the Lee Valley SPA Significant

DM3 - Landscape Character, Ancient Landscapes and Geodiversity Significant

DM4 - Green Belt Significant

DM5 - Green and Blue Infrastructure Significant

DM9 - High Quality Design Significant

DM10 - Housing Design and Quality Significant

DM11 - Waste Recycling Facilities on New Development Significant

DM14 - Shopfronts and On Street Dining Significant

DM15 - Managing and Reducing Flood Risk Significant

DM16 - Sustainable Drainage Systems Significant

DM18 - On Site Management of Waste Water and Water Supply Significant

DM19 - Sustainable Water Use Significant

DM20 - Low Carbon and Renewable Energy Significant

DM21 - Local Environmental Impacts, Pollution and Land Contamination Significant

DM22 - Air Quality Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 4

Responses received as follows:-

SUNSET COTTAGE: OBJECTION: There is inadequate parking provision for the proposed change. The application document states that there are 2 cars currently parked here – if this garage changes to a house where will these cars park? Secondly, it states that when converting the dwelling will have 1 parking space for the homeowner and 1 for visitors – this is inadequate as 99% of the houses within Epping Green have 2 cars; therefore, I cannot see how this will be different?

How can construction work be carried out with such limited space when it is enclosed on all 3 sides? Where will materials be unloaded without causing the private road to be blocked?

The height of the new building would be nearly twice the height of the existing garage and be covered with solar panels & rooflights. This is not in keeping with the local area as suggested in the application as the roof tiles would not be visible due to the amount of solar panels & glass. This would become an eyesore of a structure if planning permission was granted

PARISH COUNCIL: Epping Upland Parish Council object to this application on the basis that there remains a lack of clarity over the site ownership, concerns about drainage and wastewater treatment and/or contamination, concerns about asbestos in the building fabric, concerns about contractors' vehicles blocking already narrow roadways and the lack of parking availability.

CLLR AVEY CALL IN: I have been contacted by the residents who have made this application, as it is located in my Ward.

I wish to advise you that If the application is refused under delegated powers, I would like to call in the application to the planning committee (Plans West).

Main Issues and Considerations:

Background

This application is an amendment to the previously refused application under reference EPF/1653/20.

The previous application was refused on the grounds that the site did not fall within a village. The construction of a dwelling in this location was considered inappropriate development and as such is contrary to the requirements of paragraphs 149 and 150 of the NPPF.

The emerging local plan has gone through a series of modifications since the Inspectors Advice Note after the hearings of examination on the emerging Local Plan.

Looking at the Green Belt reason for refusal, work undertaken on the main modifications of the Submission Version Local provides further clarification on this issue.

Spatial Strategy

Policy SP 2 Part C (i) (changed to part D (i) in the Main Modifications) states that: New homes will be delivered by:

i) *'permitting development proposals within the defined settlement boundaries where they comply with all other relevant policies of the Local Plan'*.

The implications of this policy were made clear in the pre-hearing statement on 'Matter 11 Housing (April 2019)' when the Council stated at paragraph 40 that: 'The intention of Policy SP 2 C (i) is that windfall sites proposed on land within the Green Belt will not normally be permitted, unless the development is a windfall site for affordable housing where a need has been demonstrated as provided for in Policy SP 2 C (iii)'.

The preamble to Policy H 3 effectively restates this position in the Main Modifications at paragraph 3.17 when it notes that:

'A significant part of the District is rural in nature and designated as Green Belt. In accordance with Policy SP1 D(i) (previously C (i)), development in such areas, if not specifically allocated for residential development within this Plan, would not normally be granted planning permission....'

However, Part A (viii) of Policy SP 2, in regard to providing new homes, states in the Main Modifications that the Council will:

"Enable small scale sites in rural communities to come forward where there is a clear demonstrable local need which supports the social and economic well-being of that community."

Therefore, the spatial strategy is clear that windfall development in rural communities in the Green Belt is not normally permissible unless there is a 'clear demonstrable local need which supports the social and economic well-being of that community.'

Green Belt policy: 'limited infilling in villages'.

The NPPF lists one the exceptions to inappropriate development in Green Belt as being 'limited infilling in villages' (paragraph 149 e).

EFDC legal advice states that what constitutes a 'village' has not been precisely defined and that the courts have generally taken a view that a 'village' can be defined broadly.

Policy DM 4 of the emerging local plan does not reflect the wording of the NPPF in relation to infilling in a village being an exception to what would otherwise be considered inappropriate development in the Green Belt.

Instead Policy DM 4 in the 2017 LPSV states at DM 4 (v) that 'limited infilling in smaller settlements...' is an exception to inappropriate development. In the Main Modifications it is proposed that this is changed to 'limited infilling in rural communities....'

The glossary in the AM schedule defines rural communities as 'the existing localities in the District that are not defined as 'Settlements' in Table 5.1.'

Table 5.1 defines settlements as either towns, or large or small villages, and lists them by name. All of these settlements are inset settlements within the District; therefore, Green Belt policy does not apply to them.

Therefore, Policy DM 4 which relates to the Green Belt does not apply to those settlements the LPSV has defined as 'villages'. Instead it applies to those localities that are identified as 'rural communities'. 'Rural communities' are the only localities that Green Belt policy refers to and must be localities other than the settlements, identified as towns, and large and small villages, listed in table 5.1 of the LPSV.

The LPSV does not specifically name these 'rural communities'. But EFDC legal advice states that 'Green Belt policy refers to those settlements that are none of the towns or large and small villages – in the settlement hierarchy these settlements would include all those listed as hamlets.

In the Settlement Hierarchy Technical Paper (SHTP) 2015, Epping Upland is listed as one of these hamlets.

Therefore, policy DM 4 (v) allows for infill within rural communities, which include hamlets, of which Epping Upland is one. Limited infilling (or any other rural community within the District) is therefore one of the exceptions to inappropriate development in the Green Belt and an application for an infill development could be acceptable on that basis.

It might be felt that this conclusion does not accord with national policy in the NPPF which says that limited infilling in 'villages' is an exception to inappropriate development in the Green Belt, and that Epping Upland is too small / does not have enough services to qualify as a village. However, Epping Upland is clearly a rural community and policy DM 4 clearly allows for limited infilling in rural communities. As EFDC legal advice states, the courts take a broad view of how 'village' is defined, and this broader definition could encompass a rural community such as Epping Upland. Furthermore, if policy DM 4 (v) is not taken to mean 'village' in a broader (NPPF) as opposed to a more specific (LPSV) sense, then DM4 (v) has no policy function as there are no rural communities that would constitute villages in the District and therefore nothing for the policy to be applicable to.

Therefore, in regard to Green Belt policy, limited infilling in Epping Upland is acceptable under policy DM 4 (v) and the NPPF paragraph 49 e), as long as the proposed development is compliant with all other relevant policies that are applicable to the development proposal.

Conclusion:

Whilst the spatial strategy of the emerging Plan is clear that windfall development in the Green Belt is not normally permissible unless there is a 'clear demonstrable local need which supports the social and economic well-being of that community' (Policy SP 2 Part A (viii)), limited infilling is permissible in rural communities (of which Epping Upland is one) in the Green Belt in the District, under policy DM 4 (v) and the NPPF paragraph 49 e).

The stage the emerging Plan is at in the local plan examination process means that the weight to be attributed to the emerging Plan is near the most substantial end of the spectrum in accord with paragraph 48 of the NPPF.

The proposed change to DM 4 Part C (v) from 'smaller settlements' to 'rural communities' is part of the Main Modifications which the Plan Inspector is still considering. However, the issue was raised by the Plan Inspector during the

examination process and considered at Matter 11 of the Hearing stage of the Plan and no objection or further amendments were raised to the change by the Inspector. In the Main Modifications consultation one objection has been raised to the change, as the consultee felt that it did not reflect policy in the NPPF in regard to infilling in villages in the Green Belt. However, as outlined above, 'village' as referred to in the NPPF is considered to encompass 'rural communities' as defined in the emerging Plan, and therefore proposed Policy DM 4 Part C (v) is in fact in alignment with national policy in the NPPF paragraph 49 e) on this matter.

Given that areas defined as 'Rural Communities' within the SVLP are considered to the equivalent of Villages for the purposes of paragraph 149 of the NPPF.
Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) and provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is 145(e) 'limited infill within a village'.

For the reasons outlined in the Spatial Strategy section of this report it is considered to be located within a village.

The second limb of this exception is whether the development is 'limited infilling.'

Policy DM4 of LPSV defines limited infilling as "*The development of a small gap in an otherwise continuous built up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. Limited infilling should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.*"

In this case, there was a clear visual break and distinction between the more densely built-up area of Epping Upland and a looser and more sporadic development leading from it and within the Green Belt, to which this site is clearly a part of. The application site is located on a private road leading to a farm, the site adjoins the rear garden of Fortune Cottage with an outbuilding recessed further north of the existing application garage building and the front elevation of this neighbour facing westwards away from the application site. There is housing to the south of this private road. The side of the Cock and Magpie Pub is outside of Green Belt and whilst the rear garden of 2 Lilac Cottages is within the Green Belt, since its principle elevations do not face the application property, they too cannot be considered enclose the site. The car park to the east does not contain built structures. Since the existing buildings surrounding the site does not form a consistent built form enclosing the application site any additional development on this site cannot meet the definition of limited infill.

Furthermore, the width of the plot is much smaller than neighbouring plots and therefore is not characteristic of the surrounding area. The application site is therefore not in a continuous frontage and the development does not meet the

definition of 'limited infilling' and as a consequence the proposal does not meet the requirements of exception 145(e) of the NPPF.

The existing double garage used for storage (B8) has an area of 31.4 sq. m (5.67m wide by 5.5m deep) and 2.7m high to the ridge of its gable roof.

The proposed house measures and area of 67.6 sqm and had a height of 4.8m. Since the floorspace and height are roughly double that of the existing building and is in a different use, it also fails to meet the requirements of exception 149 (d) of the NPPF. It would also not meet all other exceptions listed in paragraphs 149 and 150 of the NPPF. It is therefore inappropriate development by definition.

This additional volume simply by its physical presence along with the additional domestic paraphernalia will undermine the openness of the site and as such the proposal is contrary to the requirements of It is therefore contrary to the requirements of the NPPF, GB2A of Local Plan and DM4 of the Submission Version Plan.

Design

Whilst the replacement building will increase in volume in comparison to the existing structure, the width of the plot is much smaller than neighbouring plots and therefore is not characteristic of the surrounding area. Nonetheless, given the single storey nature of the building, and the use of materials that are in keeping with the local vernacular, it is not considered that the proposal will have such a significant harm to the character and appearance of the area as to justify refusal on this matter alone. The objection to the use of solar panels is noted, however since they will follow the slope of the roof and will improve the energy efficiency of the house, they are considered acceptable. Details around soft landscaping can be controlled by condition. It is on this basis that the proposal complies with the requirements of chapter 12 of the NPPF and policy DBE1 of the Local Plan.

The proposal was reviewed by the Sustainability Officer, who in summary advised that the sustainability strategy should look to reduce the scheme's embodied and operational carbon; on site renewable energy sources should provide higher reduction of the scheme's carbon emissions. It is therefore recommended that a condition be attached to any permission which demonstrates how this requirement will be met. It is on this basis that the proposal complies with the requirements of DM 20 of the Submission Version Local Plan.

Quality of resulting residential accommodation

The internal space of the unit is acceptable. Plans have also been amended since the previous refusal to show rooflights providing light for the kitchen diner and hallway areas. The proposal therefore accords with the requirements of policy DM 10 of the Submission Version Local Plan.

Impact on neighbouring amenity

All neighbouring properties are sufficiently distant as to ensure that their living conditions will not be excessively affected in terms of light, outlook, dominance or privacy. The proposal therefore complies with the requirements of policy DBE 9 of the adopted Local Plan and DM 9 (H) of the SVLP.

Issues concerning method and times of construction can be controlled by condition.

The proposal therefore meets the requirements of policy DBE9 of the Local Plan and DM9 of the Submission Version Plan.

Parking and Access

The proposal will provide a 1-bedroom dwelling with 2 car parking spaces and as such the Essex parking standards will be met. No objections have been raised by the Highways Authority as the proposal provides appropriate vehicle parking and turning for the development and the access will have appropriate visibility onto Epping Road. The proposal therefore accords with the requirements of ST4 and ST6 of the Local Plan along with T1 of the SVLP.

Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and Atmospheric pollution as a result of increased traffic using roads through the EFSAC (air quality).

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follows:

The site lies outside of the 3km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

Since the existing use of the site is as a garage with space for 1 more car parking space within the front forecourt, it is considered that the proposal will not result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

The application was reviewed by the Council's transport consultants who advised that:-

While the methodology applied within the Traffic Impacts Relating to Habitats Regulations Assessment (TIR-HRA) is not accepted and we could request the applicant/agent to resubmit the HRA analysis utilising industry standard techniques, the proposal to replace the double garage with a single residential property falls within the windfall category and is not expected to result in a material increase in the AADT movements within the EFSAC given the scale and location of the development.

As such, on balance the assessment satisfies the HRA requirements and that the defined EFDC obligations for residential development are applied including EV charging on all onsite parking spaces and the contribution per unit.

On this basis the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC subject to the standard mitigation. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

Notwithstanding the above, since there is currently no legal agreement to secure the necessary mitigation measures, the proposal does not currently address the resulting impacts on air quality and therefore is contrary to policy DM 2 and DM 22 of the SVLP.

Land Drainage

The Land Drainage Team have no objection to the proposal subject to suitable conditions requiring foul and surface water details to be agreed before the commencement of works. This is a reasonable and necessary condition to impose.

Contaminated Land.

The Contaminated Land Officer has reviewed this application and considers that due to the existing use of the site and sensitive nature of the proposed use further investigation needs to be carried out. He therefore recommends that that further conditions be attached to any permission to safeguard future occupiers in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan (1998/2006).

An informative regarding how to remove asbestos is also recommended as this matter is outside the scope of planning legislation.

Other Matters

A construction management condition is recommended to minimise noise and disturbance to neighbours.

The agent has signed certificate A on the application form which indicates that the applicant is the owner of the site. Since land ownership is a civil matter and no person has come forward to refute this claim, Officers have accepted this declaration.

Conclusion

The proposal constitutes inappropriate development in the Green Belt, as the site is not considered to meet the definition of an 'infill plot' within a village. There are no very special circumstances sufficient to outweigh this and any other harm from the development. Therefore, it is recommended that planning permission be refused.

In the absence of a completed S106 Agreement, the Council is unable to secure relevant financial contributions relating to air pollution mitigations in lieu of the Epping Forest Special Area of Conservation, and therefore the proposal is contrary to policies DM 2 and DM 22 of the SVLP.

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

Refusal Reason(s): (2)

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal falls outside of the list of exceptions contained within paragraphs 149 and 150 of the NPPF. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM 4 of the Submission Local Plan.
- 2 In the absence of a completed S106 Agreement, the Council is unable to secure relevant financial contributions relating to air pollution mitigations in lieu of the Epping Forest Special Area of Conservation; and therefore the proposal is contrary to policies DM 2 and DM 22 of the Epping Forest Local Plan (Submission Version) 2017, and with the requirements of the National Planning Policy Framework (2021).

Informatives: (1)

3 This decision is made with reference to the following plan numbers:

Traffic Impacts relating to Habitats Regulations Assessment, Planning Statement, Sustainability Checklist, Sustainability Statement Phase 1 Site Investigation and Preliminary Risk Assessment by Remada September 2020 742.01.01, 22/002/01, 22/002/02, 22/002/03, 22/002/04, 22/002/05.