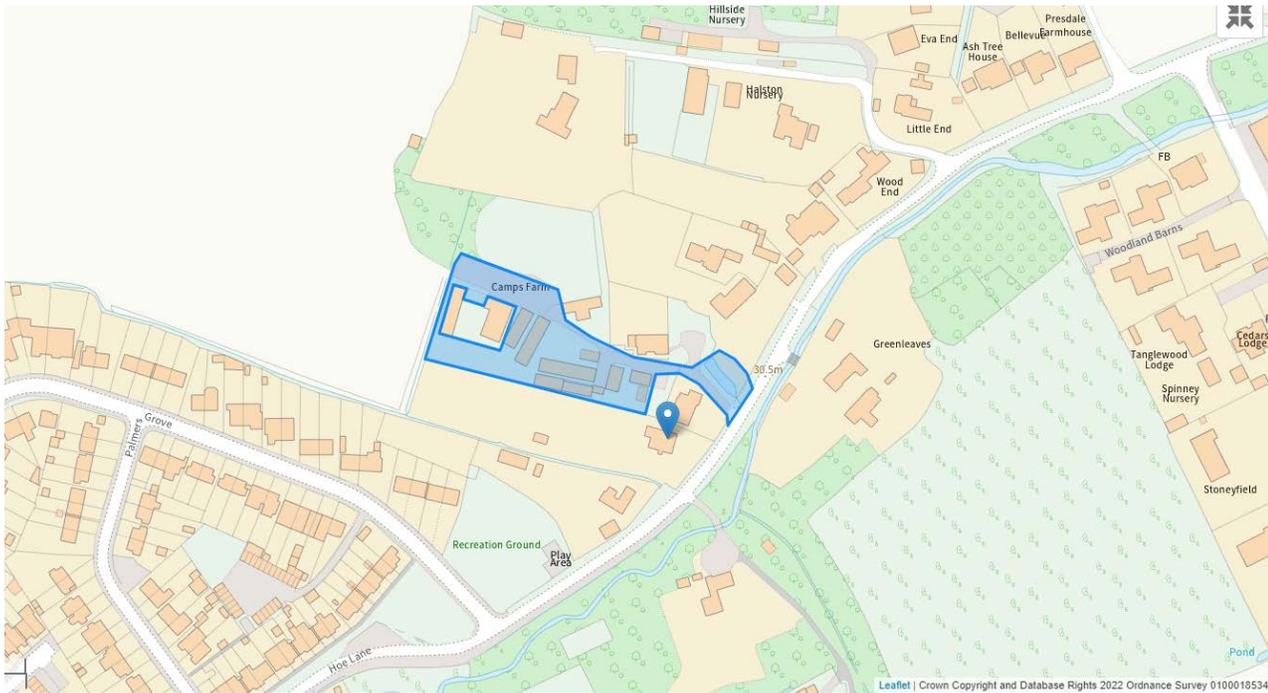


OFFICER REPORT

Application Ref: EPF/1478/23
Application Type: Full planning permission
Applicant: Mr P Arnold
Case Officer: Sukhvinder Dhadwar
Site Address: Camps Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RG
Proposal: Demolition of all existing structures and redevelopment with 1 x 3 bedroom single storey dwelling (Plot A) and 1 x 4 bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence

Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WjtK>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Crown Copyright and Database Rights 2022 Ordnance Survey 0100018534

This application was originally presented to the West Area Planning Committee held on 4 October 2023. The application was deferred for a site visit which took place on 27 October 2023. The report has also been amended since that meeting to provide further clarity in regard to Green Belt issues.

This application is before this Committee since it has been 'called in' by Councillor R. Pugsley (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 0.39 hectares. The buildings on the site are single storey and comprise four former agricultural buildings used for chickens and feed storage together with a row of derelict pig sheds and a cart shed. A gravel drive runs through the centre of the site provides access to farmland to the west.

The eastern part of the site lies within Nazeing Conservation Area. The line of the Nazeing and South Roydon Conservation Area follows the eastern edge of Building No 5. The Site falls within land designated as Green Belt.

To the north, directly adjacent to Camps Farm's farmyard, is the grade II listed sixteenth century house known as Camps and separately listed grade II listed barn. On the opposite side of the road is the grade II* listed Greenleaves and its separately listed grade II* barn, there is also an outbuilding to the north of Greenleaves that is grade II listed. to the south is the grade II listed The White House (listed as Camps Farmhouse). This is a sixteenth century timber framed house used as the Camps Farm farmhouse during the twentieth century and which is now separated from the farmyard by a modern replacement farmhouse, known as Shiree Lodge. to the east is agricultural land and to the west are agricultural barns.

Description of Proposal:

Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence.

Relevant History:

Reference	Description	Decision
EPF/0379/89	Change of use of chicken sheds to dry storage for general goods.	Approved until 20 April 1991
EPF/1481/89	Use of redundant farm buildings for the storage of exhibition materials	Approved until 20 Nov 1991
EPF/0126/91	Repair and refurbishment of exhibition materials stored in a redundant agricultural building	Refused allowed on appeal under reference APP/J1535/A/92/200522 until 30 September 1993
EPF/255/91	Retention of sheds for day storage purposes (renewal of planning permission EPF/379/89)	Approved until 30 th September 1993
EPF/1143/91	Use of redundant farm buildings for storage of exhibition materials. (Temporary permission	Approved- expiry 30 th September 1993
EPF/0887/93	Renewal of permission for: 1) Retention of sheds for dry storage purposes 2) Use of building for storage of exhibition materials 3) repair and refurbishment of exhibition materials.	Approved until 4/11/96
EPF/599/94	Renewal of planning permission EPF/946/88 (Conversion of barn/butcher's shop to dwelling)	Approved

EPF/1352/96	Retention of sheds for dry storage of exhibition materials and repair and refurbishment of such materials.	Approved Condition 4 was appealed under reference APP/J1535/A/97/277210 and resulted in the Inspector allowing the appeal to extend the temporary period to expire on 5 January 2000
EPF/1845/99	The continued use of four sheds for dry storage purposes	Approved until 5 January 2001
EPF/1992/00	Renewal of planning application for use of sheds for dry storage.	Approved until 31 st March 2004
EPF/0528/00	Change of use of farm shop and inclusion into barn conversion.	Approved
EPF/0536/04	Continued use of sheds for dry storage following expiry of temporary permission EPF/1992/00 (allowed on appeal). (Barley Shed)	Approved until 7 July 2009
EPF/2016/19	Continued use of former Turkey Shed (Unit 4) for B8 storage purposes with ancillary office use and vehicle parking.	Approved
EPF/1795/20	Redevelopment with four dwellings including a pair of linked detached three-bedroom properties (Plots A and B) and two detached four-bedroom dwellings (Plots C and D) together with a drainage strategy and arrangements for access and parking.	Withdrawn
EPF/2206/20	Re-build existing damaged outbuilding to same dimensions and similar materials.	Refused
EPF/2234/21	Application for a proposed demolition of all existing structures and redevelopment with 2 x 3-bedroom single storey dwellings and 1 x 4-bedroom single storey dwelling together with landscaping, a drainage strategy and arrangements for access and parking.	Refused
EPF/0765/22	The proposal is for prior approval for a change of use of agricultural building to 4 smaller dwellings under Part 3 Class Q (GPDO 2015 as amended).	Withdrawn
EPF/2105/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Withdrawn

EPF/2100/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Refused – Appeal pending.
<p>Reasons for refusal:</p> <p>The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)</p> <p>In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.</p>		

DEVELOPMENT PLAN

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Epping Forest Local Plan 2011-2033 (2023):

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033 (2023).

The relevant policies are listed below:

Policy

- SP1 - Spatial Development Strategy 2011-2033
- SP2 - Place Shaping
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Habitat Protection and Improving Biodiversity
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM4 – Green Belt
- DM5 - Green and Blue Infrastructure
- DM6 - Designated and Undesignated Open Spaces
- DM7 - Heritage Assets
- DM9 - High Quality Design
- DM10 - Housing Design and Quality
- DM11 - Waste Recycling Facilities on New Development
- DM15 - Managing and Reducing Flood Risk

DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and Flood Defences
DM18 - On Site Management of Wastewater and Water Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM22 - Air Quality

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

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.

Consultation Carried Out and Summary of Representations Received

Site notice posted: Yes

Responses received: Greenleaves, Fieldside Hoe Lane, White House Hoe Lane

- The Camps Farm buildings are clearly all agricultural and non-permanent buildings and not previously developed land, so the application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt
- A number of planning officers and two Planning Inspectors have already stated in the many previous storage planning applications at Camps Farm that the buildings are non-permanent and that permanent development of them would be inappropriate development in the Green Belt
- The buildings are of inferior quality and design to the nearby listed buildings and will negatively affect them.
- The buildings are too close to the listed buildings and too large which again will negatively affect the nearby listed buildings.
- The conservation area and listed buildings cluster will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.
- There is far too much hardstanding and parking, and the road is too wide; it urbanises a rural, greenbelt, conservation area.

- There are great crested newts in the nearby area, but the applicants have not conducted the required survey.
- At present, there are very few traffic movements on site, just a few a day. Clearly houses will generate much more traffic, affecting the Epping Forest SAC and the already congested Nazeing roads.
- The buildings do not generate any noise at present - the change of use will produce a highly dense cluster of buildings which will impact the enjoyment of my house and garden (I have an open aspect over Camps Farm and the noise will easily travel). This is a peaceful rural area and should remain so
- The noise and traffic will be further exacerbated by the applicant's intention to develop further other parts of the site.
- The applicants have not properly addressed the employment space issue and clearly the planning officer has seen recent unauthorised use of various buildings for employment purposes.
- The sheds were previously used for poultry for many decades and will likely be contaminated. Asbestos is present across the Camps Farm site and there is a pile of it discarded next to the Chicken shed.
- This end of Hoe Lane is not a sustainable location for housing development. The proposed housing will suffer from small gardens, low amenity, poor light and are out of keeping with the character of existing housing which is historic houses with large gardens.
- The drainage strategy states that the drainage pipes will flow to the pond (at present no drainage pipes flow to the pond) - that will exacerbate the regular and dangerous flooding of Hoe Lane caused by the pond (which does not flow properly to Nazeing Brook as it is always flooding)
- There is much other wildlife in the vicinity, including deer, badgers, bats, foxes, and slow worms - the ecology report doesn't properly consider the impact on these. The site used to be much wilder than it is now and would have supported more wildlife than the pictures presented in the ecology report.
- The Camps Farm buildings are clearly temporary buildings, and the land is clearly not previously developed land, so this application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt.
- The conservation area and listed buildings will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.

PARISH COUNCIL: No objection.

Main Issues and Considerations:

Is the development appropriate for the Green Belt?

The NPPF states that 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. It is for these reasons that there is a presumption against inappropriate development in the Green Belt.

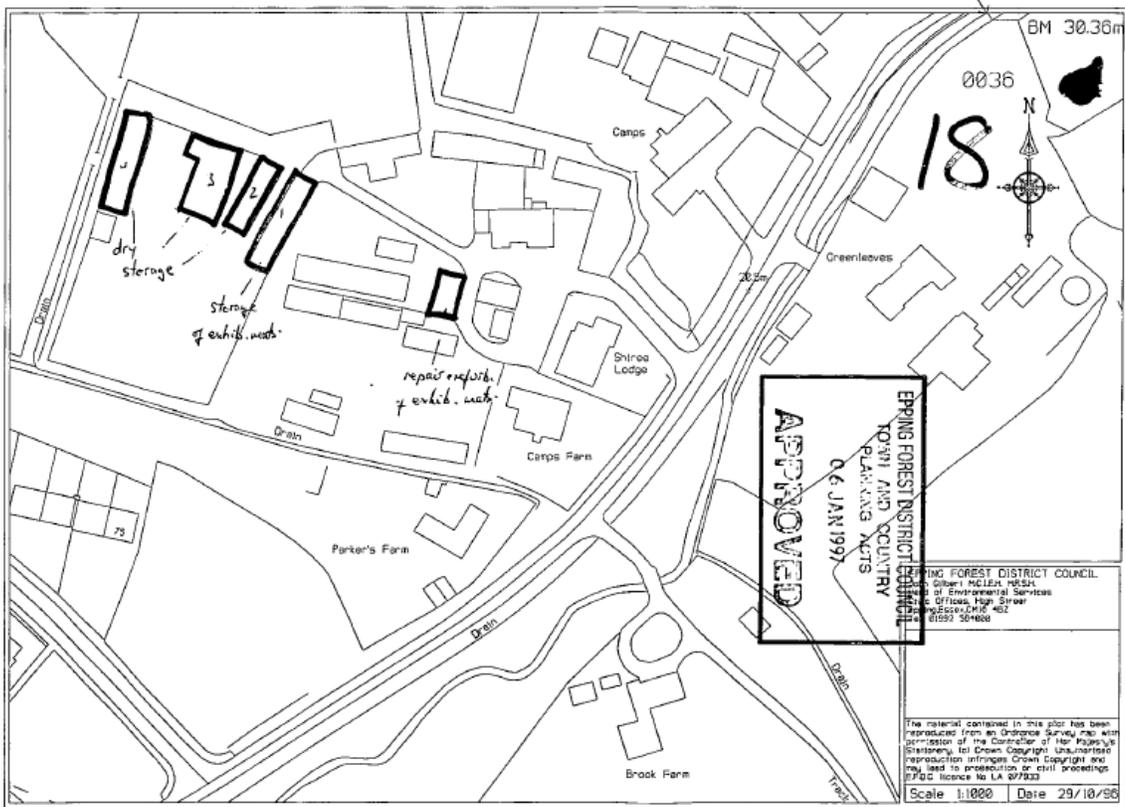
Paragraph 149 of the NPPF states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 150 lists also certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt.

The Poultry sheds were built in 1955. Temporary permission was given under EPF/0379/89 for their change of use to B8 storage. The reason for this permission being temporary was that the buildings were not considered to be 'of permanent construction.'

The time limit on this permission was extended for another two years under reference EPF/0255/91 and EPF/0887/93.

The Mill Shed was given permission at appeal for use of the building for the repair and refurbishment of exhibition materials under reference EPF/1481/89. This permission was renewed under EPF/0126/91 and EPF/0887/93.

Then a further three-year permission was given under EPF/1352/96 for the retention of the 4 sheds for dry storage and of 1 shed for the storage of exhibition materials and repair and refurbishment of such materials. The temporary period of the permission was appealed against under reference APP/1535/A/97/77210, however the Inspector only allowed the change of use of these buildings to be extended until 5 January 2000. This would be just over 10 years from the permission date. The Planning Statement indicates that the Mill Shed was used by a local landscape firm for 25 years until the end of 2020.



The permission for the continued use of the four sheds for dry storage purposes under EPF/1845/99 was allowed until 2001.

An appeal under reference APP/J1535/A/01/1060845 (EPF/1992/00) allowed the time limit on use of the four sheds for dry storage purposes to be extended until 31st March 2004.

This permission was then again renewed under reference EPF/0536/04 on a temporary basis again until 7 July 2009 as the case officer found on his site visit that the buildings had been renovated and were in good condition for the purposes they were serving. This has resulted in the temporary permissions of the timber buildings having continued nonstop for a period of 20 years.

Given that the permissions have extended beyond 10 years; the proposed uses are immune from enforcement action under section 171B (3) of the Town and Country Planning Act.

The applicants then applied under reference EPF/1111/09 for use of the Turkey Shed for commercial storage purposes. This application was given a temporary permission of 10 years. This permission was then renewed under reference EPF/2016/19 which allowed for the use to continue until 2030.



The Turkey shed will therefore be in commercial use for a total of 41 years.

The Planning Statement indicates that the Office and Egg Shed are in use for domestic storage by the occupiers of Shiree Lodge.

It is for these reasons that the areas highlighted in green have been found to be previously development land. The Office, egg shed, and access have been covered in horizontal stripes as

the evidence on their lawful use is less clear cut but, on the balance of probability, they have not been in agricultural use in recent years.



Building	Area sq. m	Volume m3
Turkey shed	108	365.23
Barley shed	155	585.87
Mill shed	68	270.58
Office workshop	32	68.96
Egg shed	54	156.01
Total	417	1446.65

Exception(g) of Paragraph 149 allows Limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development;
- (...)

Local Policy DM4 is 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 the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The development has a total area of 290 sq. m. and a total volume is of 898.24 m3. The

proposal will therefore have a lesser impact on openness than the existing use.

Objectors have raised the concern that the pig sheds and combine shed which are located centrally within the site are not PDL. This comment is agreed by Officers. The area of the site not covered by green is considered to be agricultural land.

Given this position, works in this location are inappropriate development. Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

Location Sustainability

Hoe Lane has no pavement and no street lighting. The site is approximately 3 miles from Broxbourne and Rye Hill stations and over a 1 mile away from the nearest bus stop and amenities. Given these distances, new occupiers will be dependent on cars for the majority of their journeys. The proposal is therefore not sustainably located. It is for this reason that any future application would need to design in factors which promote a low carbon future in accordance with chapter 14 of the NPPF and policies DM10, DM11, DM15, 16, DM18, DM19, DM20 and DM22 of the Submission Local Plan.

Loss of Employment Use

The same scheme was refused under reference EPF/2100/22 on the grounds that:-

The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)

The justification for this decision was that:-

Permission under reference EPF/2016/19 for B8 storage purposes with ancillary offices relating to the Turkey Shed has been implemented.

I note the comments made in the planning statement for the withdrawn scheme in regard to the lawn maintenance business known as 'Top Grass' on the site. It has 10 employees.

The agent has also advised that there are also three solid brick buildings which occupy the eastern end of the farmyard up to the residential curtilage of Shiree Lodge labelled as Mill Shed, Egg Shed and Office/Workshop. The Mill Shed has been in use for some 25 years for commercial B8 storage purposes, latterly by a local landscape contractor. Although the previous tenancy for the Mill shed expired a year ago.

Policy E 1 A. (i) of the ALP seeks to retain and enhance existing, designated, and undesignated, employment sites in the district for their existing uses or for Class B or Sui Generis Uses of an employment character. Further A. (ii) outlines support for proposals to redevelop, renew, intensify or extend existing employment sites. Proposals that would result in the loss of existing employment space will be resisted by the Council unless it can be demonstrated through evidence that there is no longer a reasonable prospect of the site being used for the existing or alternative Class B or Sui Generis Uses of an employment character (E 1 A. (iv)). This policy has significant weight.

A letter has been submitted from the Managing Director of Topgrass which states that:-

“Referring back to my letter of August 2021 and with regards to the potential development at Camps Farm, I have reviewed again the options available and intend to relocate TopGrass locally once the development timescale is finalised. I have been in touch with various local agents who have advised there is availability in the area to obtain similar business units. However, until I have a clearer idea of the timescale for potential redevelopment, I am not in a position to commit to moving away from the Camps Farm site.”

The submitted planning statement indicates that the majority of the business’s employees only come to the site to collect supplies and only a small part of the unit is used for administrative work. (Area not defined).

The statement then indicates that should planning permission be refused the business will continue operating from this location.

Paragraph 3.47 of the Local Plan requires that evidence should be provided to demonstrate that the site has been marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site’s existing and potential long – term market demand for such uses. The submitted letter indicates that no such marketing campaign has been conducted, the proposal is therefore contrary to the requirements of policy E1 of the LP. “

The Planning Agent has now come back and references other examples of planning approvals given for residential uses on commercial sites including:

Reference	Description of development	Location off Hoe Lane	Reason for approval
EPF/0734/14	Erection of four dwellings following demolition of kennels and associated commercial buildings and relinquishment of a residential mobile home	Winston Farm	Reduction In HGVs
EPF/0110/16	Demolition of existing structures and cessation of commercial use and erection of two detached dwellings	Spinney Nursery	Reduction in vehicle movement
EPF/2271/16	Demolition of existing commercial buildings and erection of 6 x 4-bedroom detached dwellings	Burleigh Nursery	Local support for the reduction in HGV movements
EPF/0259/16 and EPF/3500/17	Demolition of existing industrial buildings, vacant stabling and a residential apartment and construction of 8 detached family homes and 10 ‘affordable’ houses And subsequent application (EPF/3500/17) which sought to increase the number of dwellings to 18 semidetached family houses and 18 “affordable” homes	Stoneshot Farm	Loss of commercial use was not cited as an issue for consideration. The proposed residential use would result in a reduction in HGV traffic using Hoe Lane, a narrow rural road. This would have benefits for road safety, the living conditions of the occupants of nearby dwellings and also in

			terms of air quality. Along with the provision of above policy requirement Affordable housing
--	--	--	---

It should however be noted that these permission were given as a result of compliance with the now superseded policy E4 of the Local Plan (1998-2010) which did not require evidence of a 12 month marketing campaign and consultation responses from local residents indicated that they were in support of the proposals because Hoe Lane was considered inadequate as an access route to the existing lawful commercial uses which required the use of HGVs to carry out their functions safely and without nuisance to other users of this road.

This application also now includes a Commercial Viability Report by Withers Thomas dated May 2023 which has found that:-

- With the exception of the Turkey shed the buildings on the side of a poor condition. Permission for the Turkey Shed for B8 purposes runs out in 20230 therefore possibility of reletting would be very limited.
- Due to the poor condition of the units they will need extension renovation including new roofs, insulation and three phase electric supplies
- The access to the site in particular for HGV user would be difficult.
- There are more suitable properties nearby i.e. currently in excess of 300,000 sq. ft of industrial space on the market, within Broxbourne, Nazeing and Harlow (including 3 modern units within Nazeing) and a further circa 500,000 sq. ft in Waltham Cross and Waltham Abbey, including new, purpose built, units which are far more appealing to any prospective tenant (Beatty Road, Waltham Cross).
- Assuming any commercial redevelopment was restricted to the same height and floor space limitations as the two proposed residential units, it would not be possible to achieve a commercial return on the level of investment required to redevelop the site for employment related purposes.

The independent analysis made by the viability report has found that due to the poor condition of the site, lack of adequate HGV access and more suitable sites available in the locality, is accepted by Officers and as such this overcomes the previous reason for refusal and is considered to comply with the requirements of policy E1 of the Local Plan.

Impact on the setting of surrounding listed Buildings and wider Nazeing and South Roydon Conservation Area.

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses; and
- (2) special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 199 of the NPPF requires that: -

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 of the NPPF requires that: -

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The Conservation Officer has reviewed the application and made the following comments: -

Camps Farm is a historic farmyard that currently consists of a number of largely redundant 20th century agricultural sheds. The subject site is located within the setting of numerous Listed buildings, and a majority of the site sits within the Nazeing and South Roydon Conservation Area, a large area designated to ensure the preservation of its distinctive open landscape and historic pattern of development. This designation takes special consideration of the area's ancient settlements, of which those along Hoe Lane including the larger 'Camps' site is a part. On the opposite side of the road is the Grade II Listed Greenleaves (no.1337294), an early 15th century hall house, and its early 15th century barn, listed separately Grade II* (no.1111139). Historic England notes that Grade II* Listed buildings are particularly important buildings of more than special interest, making up only 5.8% of all Listed buildings nationally. There is also an outbuilding of 18th century origins within the Greenleaves site that is constructed with 13th- 14th century timber posts; this is Listed separately at Grade II (no.1337295). To the north of the subject site, directly adjacent to Camps Farm's farmyard, is the Grade II Listed 18th century house known as Camps (a.k.a. 'Camps Manor') (no.1111137) and its separately Listed Grade II barn (no.1111138). To the south of the subject site is the Grade II Listed Camps Farmhouse (a.k.a. 'The White House') (no.1181814), a 16th century timber framed house used as the farmhouse for Camps Farm during the 20th century but is now separated from the farmyard by a modern 'replacement' farmhouse known as Shiree Lodge (c. 1976). The White House's curtilage Listed barn, Camps Grange, was converted to residential in the late 20th century; this sits just north of the subject site and would be sited directly across from the proposed development. Further to the south is Parker's Farmhouse, also Listed at Grade II (no.1111140) (...). This application seeks planning consent for the demolition of all existing structures and redevelopment with two dwellings: 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B). This together with landscaping, a drainage strategy and arrangements for access and parking.*

The current application is a resubmission of the recently refused planning application, EPF/2100/22. That previous scheme was subject to multiple detailed comments from Conservation, the design and layout of which was subsequently amended in line with that advice. The current proposal closely follows that previous scheme is thusly considered to be ACCEPTABLE in terms of conservation.

It is for these reasons that the proposal complies with the requirements of policy DM7 of the Local Plan.

Design

The proposal is of the same design as that proposed under EPF/2100/22. That application found the proposed scale and form of the dwellings to be acceptable as it will preserve the barn aesthetic within this rural location.

The dwelling within Plot A is now separated from the boundary with Shiree Lodge by 11.67m, a minimum of 7.49m from the southern boundary which is screened by a hedge and 17.8m from the nearest point of the residential dwelling at The White House. It is separated from the dwelling within Plot B by a gap of 13m to the fencing in front of the glazed door serving the living /kitchen area of the dwelling within plot B. The nearest window within Camps Grange is 10.7m away. It is therefore recommended that natural screening be provided in front of the window serving bedroom 1 of this property. This dwelling has 300 sqm of amenity space.

Plans have been revised to show the position of the single storey dwelling within Plot B being amended so that its rear elevation is separated from the southern boundary by a gap of at least 9.37m. The plot has 428 sqm of amenity space and sufficient parking to meet the needs of any

future occupiers.

The internal size and layout of the proposed new houses meets the requirements of Policy DM10 (A).

The proposed landscaping trees indicates that 23 new trees will be planted on the site. This is a positive benefit weighing in favour of the scheme. The proposal therefore accords with the requirements of DM5 of the LP.

For the reasons listed above and the existing 3m-5m high leylandii hedge along the southern boundary, it is therefore considered that the proposal will not have an excessively harmful impact on neighbouring properties in terms of light, outlook, privacy, and sense of enclosure in accordance with policy DM9 (H).

Highway considerations

The Highway Authority is satisfied that subject to conditions there will be no detriment to the highway's safety or efficiency at this location. Sufficient parking has also been provided. The proposal therefore complies with the requirements of T1 of the Local Plan.

Land Drainage

The Land Drainage team recommend conditions to ensure that the proposal will mitigate against any flood risk including surface water flooding generated by the proposal. It is subject to these conditions that the proposal complies with the requirements of policies DM15 and DM16 of the Local Plan.

Land Contamination

Given the proposed sensitive use proposed, it is recommended further conditions area attached to ensure remediation prior to the implementation of any permission. It is on this basis that the proposal complies with the requirements of DM21 of the Local Plan.

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).

Ecology

An Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 was submitted as part of the application.

Bat surveys were undertaken in 2018 and a full survey of protected species was carried out in July 2021. No evidence of any presence bats was found.

The pond had a Great Crested Newt Habitat Suitability Index of 0.41 indicating that it was of poor suitability for this species. In addition, the lawns and gravel drive at the site offered unsuitable terrestrial dispersal habitat for the species.

No evidence of badgers was found at the site.

Since there was no evidence of Protected Species at the site, a European Protected Species Licence will not be required for this project.

The recommendations made in section 9 and 10 of the Ecological Survey and Assessment by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 should be attached as a condition

to any permission. On this basis, the proposal would accord with the requirements of DM1 of the LP.

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 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact 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 elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways to be assessed in relation to this application pertinent 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.

Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

The site lies within the 3km - 6.2 km 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 in April 2022 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently requires all new residential development within 3 - 6.2km ZOI to contribute £343.02 per dwelling. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

Planning balance / Conclusion

As shown above part of the proposal sits on land that is not considered Previously Developed therefore overall the proposal is inappropriate development by definition, In this circumstance Policy DM4B therefore requires that there to be very special circumstances in accordance with national policy to clearly outweigh the harm to the openness of the Green Belt and the purposes of containing land within it.

It is considered that the volume of the proposal is now 37% less than the volume of the non-agricultural buildings on the site. There is a 30% decrease in the footprint of the buildings. The new dwellings are well designed and will preserve special significance of the Conservation Area and surrounding listed buildings; Furthermore, it will result in the removal of the derelict pig sty accommodation and other paraphernalia on the site; the proposal will provide additional soft landscaping including 23 new trees and will provide two residential units suitable for those with poor mobility; and as such overall impact on the openness of the Green Belt and the purposes of containing land within it will be limited.

Whilst it is noted that objections have been received in regard to the extension of the roadway to the buildings named the cockerel and chicken shed. It is recommended that conditions be imposed which requires the reduction in the size of this access to these buildings to better reflect the minimum needed to service these buildings.

It is on this basis therefore considered that there are sufficient very special circumstances to justify the loss of former agricultural land to residential.

It is for these reasons considered that the proposal accords with the requirements of the NPPF and DM4 of Local Plan.

There will be no adverse impact on the significance of nearby heritage assets.

The loss of the existing commercial use has adequately been justified.

Subject to conditions, the proposal will not have adverse impact on highway safety or neighbouring residential amenity.

The applicant has agreed to enter into a Unilateral Undertaking to ensure that any adverse impact on the integrity of the Epping Forest Special Area of Conservation is mitigated.

It is for these reasons that the proposal is considered to comply with both national and local policy and approval is recommended subject to a S106 agreement to mitigate any harm to the EFSAC and 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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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

Conditions: (19)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
Topographical Survey, Arboricultural Report by Ms Greenwood dated August 2021, Landscaping proposals drawing no. 1223.22.1 Rev C dated December 2022, Ecological Survey and Assessment by Essex Mammal Surveys dated July 2021, Phase 1 Geo Physical Report by Argyll dated July 2020
Expanded Phase II Geo Environmental Investigation by Land Science dated May 2021, Structural Report by DWW concerning the pig sties dated July 2021, FRA and SuDS Report by EAS dated November 2022, Heritage Statement including a Statement of Significance by BEAMS dated December 2019, Proposal and Impact Statement by BEAMS dated May 2022

Transport Statement and EFSAC Trip Generation Assessment by EAS dated April 2022, Letter dated 11th May 2022 concerning the future of TopGrass, Energy and Sustainability Statement by EEABS dated May 2022

Internal Daylight Assessment by EEABS dated May 2022, Plot A Post Occupancy Evaluation Questionnaire

Plot A Preliminary WLC Analysis

Plot B Post Occupancy Evaluation Questionnaire and, Plot B Preliminary WLC Analysis, Planning statement

Design and Access Statement November 2022, Commercial Viability Report by Withers Thomas, HD20007 – 1001 Rev E Location Plan, HD20007 – 5001 Rev B Existing Site Plan, HD20007 – 5002 Rev L Proposed Site Plan, HD20007 – 1002 Rev L Proposed Site Plan Overlay, HD20007 - 2000 Rev I Proposed Streetscene elevation, HD20007 – 4000 Rev L View 1 from Hoe Lane, HD20007 – 4001 Rev K View 2 from access road, HD20007- 4002 Rev L View 3 from Shiree Lodge, HD20007 - 4003 Rev L View 4 from end of access road, HD20007 - 4005 Rev M View 5 from upper floor of White House, HD20007 - 4010 Rev H 3D ISO, HD2007 - 5002 Rev L Proposed site plan, HD2007 - 5011 Rev H Plot A Proposed floor plans and elevations, HD20007 - 5012 Rev G Plot B Proposed floor plans and elevations,

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

- 3 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme.

Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No preliminary ground works shall take place until 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.
details regarding 'Extra Flood Resistance and Resilience Measures' in line with the Environment Agency's Standing Advice, this ensuring the construction of methods used are appropriate in line with the flood depths.

A comprehensive Flood Evacuation Plan is required with particular attention paid to the access road, detailing safe access and egress from the development, and ensuring the future occupants are aware of the flood risk to the access of the proposed development.

There are known localised flooding issues within proximity of this development, as such exploration for improvements to existing drainage must be considered. This includes an assessment of the capacity within the existing pond, inclusive of maintenance/clearance of the feature as well as its associated drainage and improvements to the surface water drainage on the access road which is currently indicated as to continue with its current arrangement.

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.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to above ground works taking place, the surface water drainage for the development shall be carried out in accordance with the drainage strategy set out in the Flood Risk Assessment and Drainage Strategy, '2777/2022, Revision E' and in turn the Proposed SuDS Layout '1834, SK08 A, 24th November 2022' submitted with the application and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Elizabeth Greenwood 'Tree surgery and protection farm', Darwing Ref: 1055.21.2 App H dated August 2021, prior to the commencement of development activities (including any demolition).
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.
- 7 Hard and soft landscaping shall be implemented as shown on Elizabeth Greenwood 'Landscape Proposals', Drawing No: 1123.22.1C dated May 2022; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.
- 8 The proposed development should be undertaken in accordance with the recommendations made in the Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021.
Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.
- 9 Samples of the types and colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.
- 10 Notwithstanding the plans hereby approved no permission is granted for the access road to extend beyond the western boundary of Plot B's curtilage area. Amended plans showing a revised access road shall be submitted to and approved in writing by the Local Planning Authority prior to above ground level works commencing on site.
The access road shall be carried out in accordance with the amended plans so approved, prior to the first occupation of the residential units hereby approved and shall be maintained as such thereafter.

Reason to preserve the openness of the site in accordance with DM4 of the Adopted Local Plan and the NPPF.

- 11 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 All new rainwater goods and soil and vent pipes shall be of black painted metal.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Additional drawings of the type, colour, and position of new boundary treatments and/or means of enclosure shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 LPA prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Prior to commencement of development, details of the planting which provides screening to bedroom 1 of plot A shall be agreed in writing by the Local Planning Authority and shall be planted and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy DM9 of the adopted local plan (Epping Forest District Local Plan 2011-2033 (2023) and the NPPF)

- 16 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air

pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

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 Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area; living conditions on adjoining properties and the openness of the Green Belt], in accordance with Policies DM4, DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (3)

- 20 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 21 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in

accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.

- 22 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.