

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 8th February, 2023**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 8th February, 2023**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

R Perrin, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, J Parsons, R Pugsley, M Sartin and S Yerrell

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564542.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council's website, at the bottom under 'Contact Us'

<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 11 January 2023.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/2072/22 LEABANK MEADGATE AND HILSIDE NURSERIES, SEDGE GREEN, ROYDON, HARLOW CM19 5JS (Pages 17 - 28)

To consider the attached report on a Change of use of the site from horticulture to a site for storage purposes (Use Class B8).

10. PLANNING APPLICATION - EPF/2417/22 67 PALMERS GROVE, NAZEING, WALTHAM ABBEY EN9 2QE (Pages 29 - 38)

To consider the attached report on the construction of new dwelling with associated car parking.

11. PLANNING APPLICATION - EPF/2628/22 LAND AT WINSTON FARM, HOE LANE, NAZEING, WALTHAM ABBEY EN9 2RJ (Pages 39 - 48)

To consider the attached report on the demolition of existing bridge and erection of new access bridge.

12. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.















An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2022-23
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Heather	Cllr Stocker	Cllr Avey	Cllr Bassett	Cllr Pugsley
Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Lea	Cllr Lucas
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey North East	Waltham Abbey North East
				
Cllr Leppert	Cllr Yerrell	Cllr H Kane	Cllr Parsons	
Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee West	Date:	Wednesday, 11 January 2023
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 7.45 pm
Members Present:	Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Lucas, T Matthews, J Parsons, R Pugsley and S Yerrell		
Apologies:	M Sartin		
Officers Present:	J Rogers (Principal Planning Officer), V Messenger (Democratic Services Officer) and R Moreton (Corporate Communications Officer)		
Officers Present (Virtually):	G Courtney (Planning Applications and Appeals Manager (Development Management)), S Dhadwar (Senior Planning Officer) and R Perrin (Democratic and Electoral Services Officer)		

39. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

40. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

41. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

42. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 7 December 2022 be taken as read and signed by the Chairman as a correct record.

43. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

44. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

45. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

46. PLANNING APPLICATION - EPF/1051/22 BARCLAYS BANK PLC, 6 MARKET SQUARE, WALTHAM ABBEY EN9 1DN

Application Ref: EPF/1051/22
Application Type: Full planning permission
Case Officer: Ian Ansell
Site Address: 6 Barclays Bank Plc
Market Square
Waltham Abbey
Essex
EN9 1DN

Proposal: Redevelopment of the former Barclays Bank to mixed use development including upward extension by way of an additional storey at roof level, retaining commercial use on the ground floor and creating a 1 no. duplex 3 bed flat across first and second floors above the commercial space with entrance at street level

Ward: Waltham Abbey South West

Parish: Waltham Abbey

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzDB>

Decision: Refuse

Reasons (1)

By reason of its positioning on site and its general location, the proposed refuse area was unworkable and unsafe for operatives and their vehicles during the collection of waste. The proposal was therefore contrary to Policy DM 11 of the Epping Forest District Local Plan Submission Version (2017)

47. PLANNING APPLICATION - EPF/1620/22 WINSTON FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RJ

Application Ref: EPF/1620/22
Application Type: Full planning permission
Case Officer: Sukhvinder Dhadwar
Site Address: Winston Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RJ
Proposal: Demolition of the existing building and the erection of a new dwelling
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OGuZ>
Decision: Allowed with Conditions

Conditions (17)

- 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:
1512_300 Site location plan, 1512_303_C Proposed site plan, 1512_310 Existing plans and elevations, 1512_320_B Proposed floor plans, front elevation and sections 1512_326 Proposed flank and rear elevations, Design and Access Statement, Sustainability Checklist, Draft Flood Risk Assessment by STM Environmental 2021 reference FRA-2021-000049, Contaminated Land Risk Assessment Phase 1 Desk Study Report by STM Environmental April 2021 reference PH1-2021-000046 Tree Survey November 2021 reference P1935-TS01 V1 and Arboricultural Method Statement November 2021 reference P1935-AMS01 V1 by Ligna Consultancy.
Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 Prior to the commencement of any works a Preliminary Ecological Assessment must be submitted to the Local Planning Authority. Should the assessment reveal the likely presence of any European Protected Species. Or their breeding sites or resting places, then protected species surveys need to be carried out. These surveys should also be submitted to the Local Planning Authority. Should the protected species reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC3 and NC4 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan.
- 4 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places along important routes used to access key areas of their territory for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contours plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC4 and NC5 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan.

- 5 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policy NC4 of the Epping Forest District Local Plan and Alterations.

- 6 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.

- 7 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason: The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with policy U2B of the adopted Local Plan and Alterations 1998 & 2006, and policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 8 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 RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 9 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 10 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.

- 11 Tree protection shall be installed as shown on Ligna Consultancy 'Tree Protection Plan' drawing number 'P1935-TPP01 – V1 (dated 16th October 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 policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 12 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interests of highway safety in accordance with policy ST4 of the Adopted Local Plan and T1 of the Submission Version Local Plan.

- 13 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 DBE1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 14 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 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.
- 15 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.
- 16 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.
- 17 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 and 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 HC6, DBE1, GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policies DM4, DM7 and DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 18 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.
- 19 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.

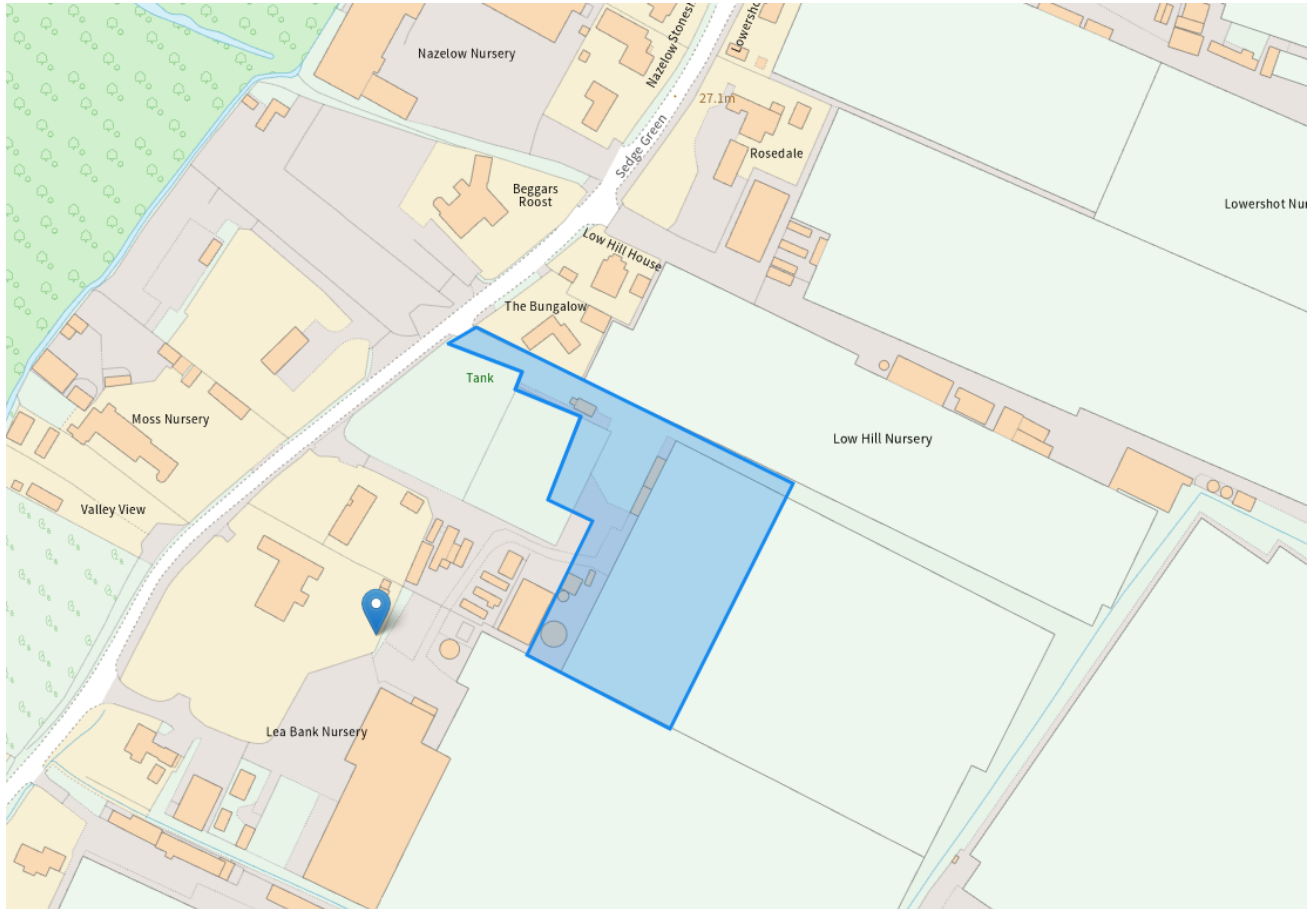
- 20 The application site is at risk of surface water flooding. You are therefore advised to refer to the Environment Agency's standing advice on flood risk. If you would like to discuss this matter in more detail, please contact the Council's Drainage Engineer on 01992 564608 or edwteam@eppingforestdc.gov.uk

CHAIRMAN



Epping Forest District Council

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Application Number:	EPF/2072/22
Site Name:	Leabank, Meadgate and Hilside Nurseries, Sedgemoor Lane Roydon CM19 5JS

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OFFICER REPORT

Application Ref: EPF/2072/22
Application Type: Change of use
Applicant: Mr Faranda
Case Officer: Muhammad Rahman
Site Address: Leabank Meadgate and Hillside Nurseries, Sedge Green, Roydon, Harlow, CM19 5JS
Proposal: Change of use of the site from horticulture to a site for storage purposes (Use Class B8).
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Onm9>
Recommendation: Refuse

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

Site and Surroundings

The site comprises of multiple large glasshouses within the Green Belt. There are no listed buildings on site, nor is the site within a conservation area, however it is within an EFDC flood assessment zone.

Proposal

The proposal is for change of use of some of the glasshouses and the wider site from horticulture to a site for storage purposes (Use Class B8), including the erection of a new proposed welfare block.

Proposed Opening Hours are:

7am - 6pm on Mondays to Fridays, 8am - 1pm on Saturdays and at no times on Sundays/Bank Holidays.

The application form states that the existing business employs 25 FTE staff and the proposal would retain this.

Relevant Planning History

Multiple histories against the wider site and the relevant case is below;

EPF/0346/00 - Erection of boiler house and glasshouses – Approved with Conditions

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP4 Energy Conservation
CP6 Achieving Sustainable Urban Development Patterns
CP8 Sustainable Economic Development
CP9 Sustainable Transport
GB2A Green Belt
GB7A Conspicuous Development
GB8A Change of Use or Adaptation of Buildings
RP5A Adverse Environmental Impacts
DBE1 Design of New Buildings
DBE4 Design in the Green Belt
DBE9 Loss of Amenity
ST4 Road Safety
E13B Protection of Glasshouse Areas

National Planning Policy Framework 2021 (Framework)

The Framework 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;

1. approving development proposals that accord with an up-to-date development plan without delay; or
2. 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.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 84 & 85
Paragraph 110
Paragraphs 126 & 130
Paragraphs 137 & 147 - 150
Paragraph 180

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 14th 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications (MMs), significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

SP 6 Green Belt and District Open Land
 T 1 Sustainable Transport Choices
 E 1 Employment Sites
 E 3 Food Production and Glasshouses
 DM 2 Epping Forest SAC and the Lee Valley SPA
 DM 4 Green Belt
 DM 9 High Quality Design
 DM 15 Managing and reducing flood risk 100
 DM 16 Sustainable Drainage Systems
 DM 20 Low carbon and renewable energy
 DM 21 Local environmental impacts, pollution and land contamination
 DM 22 Air Quality

Summary of Representations

Number of neighbours consulted: 14.
 1 response received
 Site notice posted: Yes

CEDAR LEA - Objection – Summarised as:

- Intensification of use; and
- Drainage concerns

NAZEING PARISH COUNCIL – Resolved: To object to the proposal on the following grounds:

1) The roads in Nazeing are all either B-roads or lanes by name and nature and are not suitable for use by heavy lorries. There is already overuse of these roads by this type of vehicle, which has caused a rapid deterioration and subsequent hazardous conditions for users. This would be exacerbated by the proposed change of use.

2) The Lea Valley is well known for being a long-standing centre for salad and vegetable growing for the country and the greenhouse industry. Turning these greenhouses into warehouses is completely against this concept and will adversely alter the dynamics of the local community.

3) In the event that permission is granted, the Council considers that a condition should be attached that the warehouses are used only in connection with the existing greenhouses.

The Council have requested that District Cllrs Bassett and Pugsley call in this application.

Planning Considerations

The main issues for consideration in this case are;

- a) The impact on the Green Belt;
- b) The loss of agricultural glasshouses;
- c) Landscape/Visual Impact;
- d) Highway Safety;
- e) Living Conditions with particular regard to noise disturbance; and
- f) The Impact on the Integrity of the Epping Forest Special Area of Conservation (EFSAC).

Green Belt

The relevant exception to development in the Green Belt is Paragraph 150 (d) the re-use of buildings provided that the buildings are of permanent and substantial construction, and (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The proposed welfare block would be ancillary to the proposal so can be considered under the above 2 exceptions.

Para 150 (e) is a closed list, so the proposed change of use would not meet this exception. In terms of Para 150 (d) to establish whether the proposal would be acceptable depends on the building and the impact on the openness of the Green Belt, which has a spatial aspect as well as a visual aspect.

The accompanied structural report states the following;

Having carried out our structural appraisal we are satisfied the existing structures can be utilised for the proposed change of use to business-type units. Glass to be removed cladding to be placed over the frame with no structural effect.

So, based on the above, the existing buildings would be of a permanent and substantial construction, suitable for conversion.

Turning to the impact on the openness. In spatial terms, it is commonly accepted that a proportionate increase over the size of the original buildings is acceptable. Having said this, an assessment of a development on the Green Belt is not a purely mathematical exercise as reaffirmed by the recent High Court Judgement; in *Sefton MBC v SoS* (2021) EWHC 1082.

Notwithstanding the above, the proposal would result in a decrease of built form in volume terms on the site, so in spatial terms the impact would be negligible. No elevation plans have been submitted for the proposed welfare block, however it is assumed to be a single storey structure and given the reduction in built form on the wider site, this would unlikely have any material spatial impact to the openness of the Green Belt.

However the proposal; by reason of the solid form due to the additional cladding and materials, the increased hardstanding, parking spaces, and the increased associated activity and vehicle movements, will have a material visual impact to the openness of the Green Belt.

Members will note that Glasshouses fall within agricultural use, so are acceptable development within the Green Belt, and are generally lightweight buildings that are primarily glazed, which lessens their visual impact. However a solid structured warehouse, even when reduced in scale, would be far more solid and appear at odds with the Green Belt.

Due to the above it is considered that the proposed development would be inappropriate development within the Green Belt since it would not meet the exception of para 150 (d), and the proposal would result in further harm derived from loss of openness. As such the proposal is harmful to the Green Belt and should not be approved except in very special circumstances.

'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This matter will be discussed later in the report.

Loss of glasshouses

The District has long been home to a major part of the Lea Valley glasshouse industry because of its favourable location in terms of topography, rich soil, ample water supply and good proximity to London. The application site is situated within a designated E13A site, which seeks to protect the Lee Valley Glasshouse industry. Adopted plan policy E13B clearly states:

The Council will refuse any application that it considers is likely to:

- (i) Undermine its policy approach of concentrating glasshouses in clusters to minimise damage to visual amenity and loss of openness of the Green Belt; and/or*
- (ii) harm the future vitality and/or viability of the Lea Valley glasshouse industry.*

Since the proposal would result in the loss of an existing glasshouse within a designated glasshouse area, the development would clearly be contrary to policy E13B and fails to support the Lea Valley Glasshouse industry.

The LPSV includes Policy E 3 (Food Production and Glasshouses) which is supportive of new or replacement glasshouses subject to a number of criteria. In addition, the supporting text to Policy E 3 sets out that *'Following a period of difficult trading conditions the market opportunities for home grown products, together with concern about food security and the widening gap between what the nation produces and requires is leading to renewed aspiration and real opportunities for growth in the sector. The industry appears to have good growth prospects, and food has been agreed as one of the sector priorities for the London Stansted Cambridge Corridor.'* Policy E 3 of the LPSV is supported by several evidence-based documents including The Lea Valley Food Task Force Final Report 2018 (EB615). The proposal would therefore undermine one of the objectives of the Local Plan which is to support the diversification of the agricultural economy including the expansion of the glasshouse industry, which Policy E 3 of the LPSV facilitates. It is also noted that Government published its Food Strategy in 2022 which focuses on longer-term measures to support a resilient, healthier, and more sustainable food system that is affordable to all.

Landscape/Visual Impact

The proposed development will result in an increase in the level of solid built development, hardstanding, and general activity on the site, resulting in an unacceptable intensification and urbanisation of the existing site that harms the wider landscape and character of this rural area, which predominantly consist of Glasshouses, contrary to policy CP2 of the adopted Local Plan and Policy DM9 of the LPSV, and the NPPF 2021.

Sustainability

The application site is situated within a rural location outside of any established settlements.

It is appreciated that this application is for a commercial business as opposed to new housing development and there would be a general expectation that the users of this business would use vehicles, however the proposal would include approx. 20 units with some 52 parking spaces. On this basis the proposal would lead to the promotion of further unsustainable patterns of growth where there are limited public transport choices. The proposal should be in a more sustainable location that allows for shorter vehicular trips than would occur from this rural setting.

Accordingly, the proposal would not comply with Policies CP1, CP3 and CP9 of the adopted Local Plan, Policy T1 of the LPSV, and the NPPF that seek to reduce reliance on the use of the private car, reduce the need to travel, ensure access by sustainable means of transport and generally promote sustainable patterns of development.

Highway Safety

The accompanied transport assessment incorrectly assesses the existing Horticulture use as B2 – Light Industrial and concludes that the proposal would generate less vehicle trips than existing. There are also further issues with the whole application. The application form & Design & Access statement describes the existing horticulture use as Sui Generis, whilst the Structural report describes the Glasshouses as agricultural buildings.

For clarity, horticulture falls within Agricultural use as defined under s336 of the Town & Country Planning Act 1990 below;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

The Highways Officer has also raised concerns regarding the existing access and as the applicants have incorrectly concluded that there would be less vehicle movements, they do not consider this to be an issue, so no changes, in their view, would be required to the existing access. Based on the information above, the Highways Officer has been unable to fully consider the impact of the proposal and whether there would be harm to the safety operation of the highway network.

Living Conditions with particular regard to noise disturbance

Officers have considered the potential impact to neighbouring properties from the increased activity including the level of noise that would be generated from the Scheme. The accompanied noise survey concludes that there would not be any material impact, and the Councils Noise Team have raised no objections to this survey. Too add, a condition restricting the use of the site in terms of operating hours and delivery would also further mitigate any harm.

As such it is considered that the proposal would have no significant impact to the neighbouring residents that warrants a further reason for refusal.

Epping Forest Special Area of Conservation (EFSAC)

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 Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are 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 Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact 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:

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

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows;

- The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

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 the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

In order to be able to draw a conclusion of no adverse effect on the integrity of the EFSAC in relation to atmospheric pollution, the Council has adopted an Air Pollution Mitigation Strategy (APMS). In light of this, the application does not provide sufficient Annual Average Daily Traffic (AADT) information to be able to properly assess impacts on the EFSAC in this regard. The applicant has also incorrectly assessed the Horticulture use as B2 – Light Industrial and concluded that there would be a reduction in vehicular movements from the proposed use.

Thus, for the reasons set out above, the Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone, or in combination with other developments within the District would not cause harm to the integrity of the EFSAC with particular regards to air quality. As such the proposed development fails to comply with the requirements of the Habitats Regulations 2017, Polices DM2 & DM22 of the LPSV 2017, and Paragraph 180 of the Framework 2021.

Other Considerations

Officers note the drainage concerns raised by the neighbouring resident; however, the Councils Drainage Officer has raised no objections to the proposal, nor requested any conditions be attached should Permission be granted.

Planning Balance & Conclusion

The applicants have concluded that the proposal is acceptable in Green Belt terms, so did not consider that any 'very special circumstances' (VSC) would be necessary.

Having reviewed the case as whole, the core argument seems to be that the existing business is no longer sustainable and cannot operate due to the increased energy and labour costs including costs of sales. No evidence has been provided on whether the site has been marketed to other potential business owners including a financial appraisal.

Para 84 of the Framework acknowledges that Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. However, Para 85 goes on to state; in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.

To conclude, the Council disagrees with the applicants conclusions on Green Belt, Highway safety and EFSAC grounds, and for these reasons Para 84 & 85 of the Framework, including the impact on neighbouring amenity are afforded neutral weight. Officers note the multiple permissions quoted within the Design & Access statement, however, each case is assessed on its own merits, so these are afforded limited weight.

Members will be aware that the protection of the Green Belt is a matter of legitimate wider public interest. The same applies as regards character and appearance, and location of the development. This is reflected in both the development plan and national planning policy.

Thus, the proposed development constitutes inappropriate development in the Green Belt, when assessed against the Framework, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. The development would also be contrary to at least 1 (Para 138 c) of the identified purposes of the Green Belt. The Framework is clear that substantial weight should be given to any identified harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Council consider that the cumulative reasons advanced by the applicant do not amount to very special circumstances to clearly outweigh;

1. The harm by reason of inappropriate development in the Green Belt, the additional harm derived from loss of openness (in visual terms), and conflicting with fundamental purposes of including land within it;
2. The harm from the loss of glasshouses contrary to policy E13B;
3. The harm by reason of its location, in that it is not a sustainable location;
4. The harm to the safety operation of the highway network; and
5. The Council, as competent authority, cannot be certain beyond reasonable scientific doubt that the proposed development will not adversely affect the integrity of the EFSAC with particular regards to air quality.

Consequently, the 'very special circumstances' necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework, to the policies of the adopted Local Plan, the LPSV, and the Habitats Regulations.

Thus, the application of policies in the Framework that protect the Green Belt and Habitats Sites provide a clear reason for refusing the development proposed (as per footnote 7). Paragraph 11 of the Framework – the presumption in favour of sustainable development is not therefore engaged.

For the reasons set out above having regard to all the matters raised, it is recommend that that planning permission is refused.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Muhammad Rahman | mrahman@eppingforestdc.gov.uk

Refusal Reason(s): (6)

- 1 The application site is located within the Metropolitan Green Belt and the proposed development would constitute inappropriate development harmful to the Green Belt, including harm derived from loss of openness. No very special circumstances exist that clearly outweighs the harm from the development and therefore the proposal is contrary to Policies CP2, GB2A, GB7A, GB8A & E13B of the adopted Local Plan 1998 & 2006, Policies SP6 & DM4 of the Local Plan Submission Version 2017, and Paragraphs 137, 147 - 150 of the NPPF 2021.
- 2 The proposed development would result in the loss of existing glasshouses situated within a designated E13A glasshouse area, which would undermine the policy approach of protecting the Lea Valley glasshouse industry, contrary to policy E13B of the adopted Local Plan and Alterations, and policy E 1 and E 3 of the Submission Version Local Plan (2017).
- 3 The proposed development will result in an increase in the level of hardstanding and general activity on the site, resulting in an unacceptable intensification and urbanisation of the existing site that harms the wider landscape and character of this rural area, which predominantly consist of Glasshouses, contrary to policy CP2 of the adopted Local Plan 1998 & 2006, Policy DM9 of the LPSV, and the NPPF 2021.
- 4 The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicles and lead to the promotion of unsustainable patters of growth where there are limited public transport choices, contrary to Policies CP1, CP3, and CP9 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 5 By reason of the lack of sufficient information, the Council are unable to determine the whether the proposal could be carried out without a detrimental impact to the safety operation of the Highway Network, contrary to Policy ST4 & GB8A of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.
- 6 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative

reasons of overriding public interest why the proposed development should be permitted. In the absence of such information, and including any mitigation measures, the proposed development is contrary to Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 7 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.

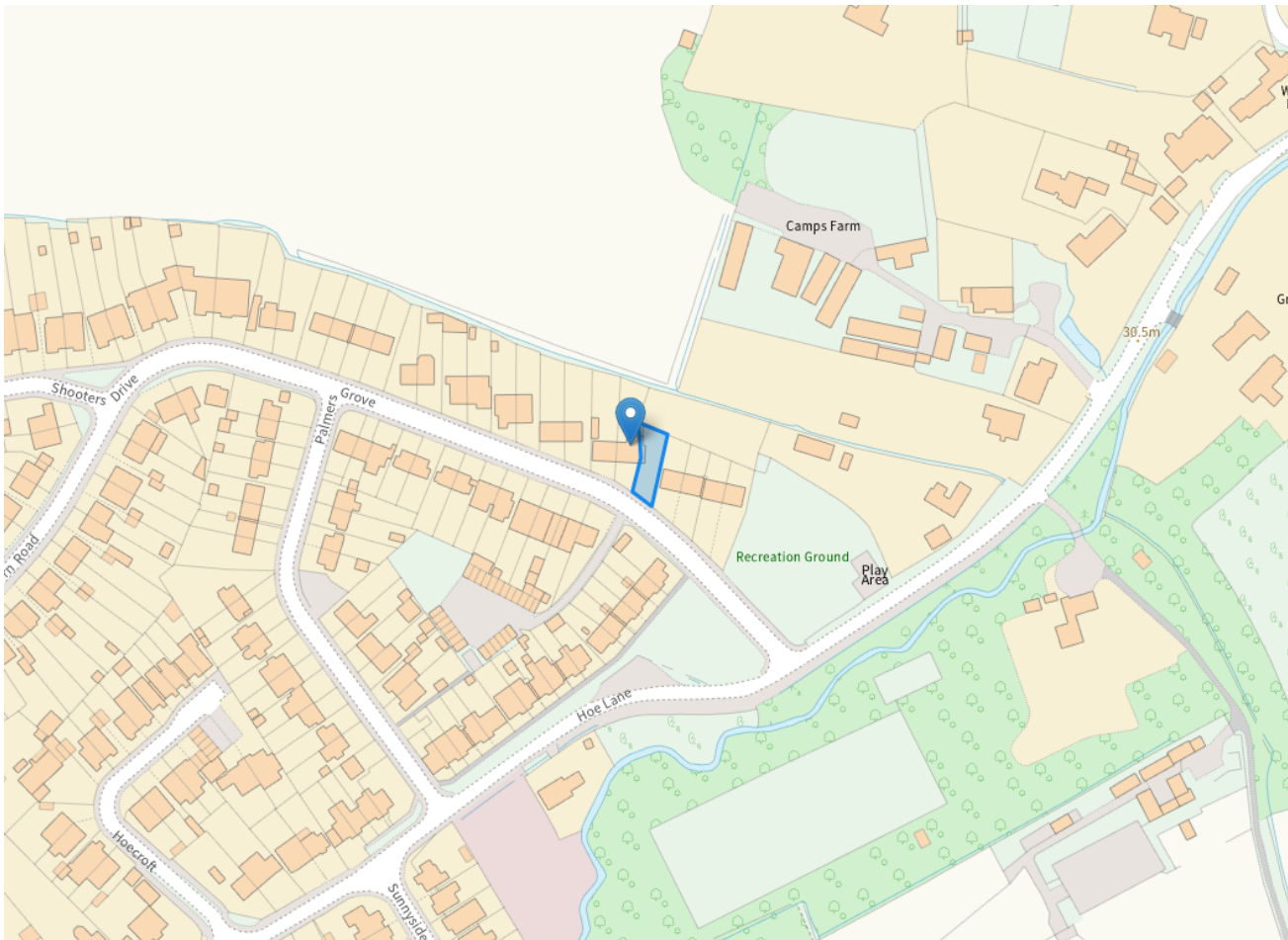
- 8 This decision is made with reference to the following plan numbers: 1467_300, 1467_301, 1467_303, 1582_310, 1582_311, 1582_320, 1582_321, and Supporting Documents.

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Epping Forest District Council

EFDC



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Application Number:	EPF/2417/22
Site Name:	67 Palmers Grove Nazeing EN9 2QE

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OFFICER REPORT

Application Ref: EPF/2417/22
Application Type: Full planning permission
Applicant: Mr J Jackman
Case Officer: Kie Farrell
Site Address: 67, Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE
Proposal: Construction of new dwelling with associated car parking
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UQMZ>
Recommendation: Refuse

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)).

Address:

67 Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE.

Description of Site:

The application site currently accommodates a semi-detached dwelling known as 67 Palmers Grove.

An attached garage was granted planning permission in 1999 and has been built.

To the north of the site (at the end of the garden) is Green Belt land.

Immediately to the east of the site are two pairs of bungalows 69 and 71 and 73 and 75 Palmers Grove.

To the south and west there are residential properties.

Description of Proposal:

Construction of new dwelling with associated car parking

This application follows refusal of an application for a similar development (EPF/2355/21) in January 2022.

The proposal includes demolition of the existing garage.

The proposal includes subdivision of the existing plot at 67 Palmers Grove.

The proposed One bedroom, two person bungalow would measure part 10m, part 7m deep, 8m wide with a maximum height of approximately 4.7m.

The proposed dwelling refused under EPF/2355/21 measured 8.1m deep, 7.3m wide with a maximum height of approximately 4.6m.

Drawing L-32 states that the internal floor area would be 57.5 sq m and the rear garden area would be 60 sq m.

The proposed dwelling refused under EPF/2355/21 had an internal floor area of 46 sq m and a rear garden of 90 sq m.

Additional Information:

The following documents were received after the original application submission:

- Supplementary Planning Statement 2023, received 12.01.2023.
- Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).

Relevant Planning History:

EPF/2355/21

Proposed one bedroom detached bungalow after demolition of the existing garage.

Refused 17.01.2022

Reasons for refusal:

The proposed development by reason of its design, scale, height, footprint and siting would appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

The proposed development by reason of its design, scale, height, footprint and siting would have a harmful overbearing visual impact on occupiers of neighbouring residential properties and result in a loss of outlook. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.

By reason of its inadequate internal floorspace which falls below minimum national space standards, the proposed development would provide an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2220/21

Application for a Lawful Development certificate for a proposed loft conversion incorporating rear dormer extension and 2 no. Velux style roof windows to front roof slope.

Lawful 06.10.2021.

EPF/2218/21

Proposed single storey rear extension to replace existing rear store and sheds.

Approved 05.11.2021.

EF\2021\ENQ\00454

Detached 2 bedroom bungalow following demolition of existing attached garage and outbuildings.

Pre-app advice issued 23.07.2021

EPF/1183/99

Attached garage

Approved with conditions 17.09.1999.

Policies Applied:

Adopted Local Plan:

CP3 New Development
CP4 Energy Conservation
CP5 Sustainable Building
I1A Planning Obligations
H2A Previously developed land
H3A Housing Density
H4A Housing Mix
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE6 Car Parking in New Development
DBE8 Private Amenity Space
DBE9 Loss of amenity
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST1 Location of Development
ST4 Road Safety
ST6 Vehicle Parking
U1 Infrastructure Adequacy
U2A – Development in Flood Risk Areas
RP4 Contaminated Lane
CP1 Achieving Sustainability Objectives

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight. Epping Forest District Local Plan Submission Version) 2017 (LPSV):

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1: Presumption in Favour of Sustainable Development

H1: Housing mix and accommodation types

DM2: Epping Forest SAC and Lee Valley SPA

DM9: High Quality Design

DM10: Housing design and quality

DM11: Waste Recycling facilities in New Development

DM15: Managing and reducing flood risk

DM16: Sustainable Drainage Systems

Consultation Carried Out and Summary of Representations Received

Nazeing Parish Council: No objection.

Number of neighbours Consulted: 10. No comments received.

Consultation Responses

Essex CC Highways: No comments received.

EFDC Land Drainage: No objection subject to surface water drainage condition.

EFDC Contaminated Land: No objection subject to condition.

Main Issues and Considerations:

The main issues in this case are Design, Character and Appearance, Residential Amenity, Quality of Accommodation, Trees and Landscaping, Highways and SAC.

Design, Character and Appearance

It is not considered that the proposed dwelling can be accommodated on this site as it will appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene.

Depth of building / footprint: At 10m deep, the depth of the proposed bungalow exceeds that of the previously refused dwelling (8.1m) and both No. 67 and the neighbouring bungalow No. 69.

Due to the staggered position of the proposed building, the front building line comes well forward of No 67 and the rear building line is well beyond the rear elevation of the neighbouring bungalow No. 69, appearing cramped and incongruous on the site.

It is noted that the front building line has been moved even further forward than the previously refused dwelling.

The width of the footprint extends across most of the width of the site (built right on the boundary with the neighbouring property No. 69) further exacerbating the cramped appearance and resulting in the loss of the existing visual gap.

The proposed development is considered to be unacceptable in terms of design, character and appearance.

Impact on the Residential Amenity of Occupiers of Neighbouring Residential Properties

The application site is at a higher land level than the neighbouring bungalow to the east, No 69 (approximately 80cm higher). The proposed bungalow would be built on the boundary with No. 69 and would extend approximately 3.8m beyond No. 69's rear elevation.

The previously refused dwelling was set 1m off the boundary with No. 69, extending approximately 4.5m beyond No. 69's rear elevation.

The proposed dwelling extends almost 4m beyond the rear elevation of the neighbouring bungalow at No. 69. This depth beyond combined with the higher land level of the application site the proposed bungalow being built on the shared side boundary will result in a harmful impact on No. 69 in terms of an overbearing visual impact / loss of outlook from the rear of the property and afternoon overshadowing of the rear garden.

It is also noted that the main living room patio doors of the proposed dwelling do not face north onto the rear garden but face east towards the garden of the neighbour No. 69 and it is considered that this will result in an unnecessary and harmful loss of privacy to the occupiers of No. 69.

The proposed bungalow will extend approximately 3m forward of No 67's front elevation again resulting in an overbearing visual impact and loss of outlook.

The proposal is considered to be unacceptable in terms of the loss of visual and residential amenity to both No 69 and No 67.

Quality of Accommodation

The proposed bungalow would be required to meet National Residential Space Standards which for a 1 bed 2 person dwelling is 50 sq m.

Drawing L-3 states that the internal floor area would be 57.5 sq m and therefore the proposed development exceeds the minimum standards and is therefore acceptable in this respect.

Personal Circumstances

The 'personal circumstances' email received from the applicant on 16.01.23 states:

"I'm not sure if you've received the supplementary documents or not so just wanted to add this just in case.

As discussed briefly on the original planning application, I now reside in 67 Palmers Grove after a big refurbishment and have now made it my forever home. The current proposal would provide a new bungalow for my dad a carpenter by profession who after years of carpentry work without the modern health and safety equipment now suffers from back pain following slipped discs, knee problems and general mobility issues. This small house will allow my dad to live next door to me within a purpose built property adapted for his needs.

Please take this into consideration when deciding on your recommendation."

Whilst the applicant's personal circumstances are noted these are not material planning considerations and they do not represent a reason to set aside the concerns that have resulted in this application being recommended for refusal.

Trees and Landscaping

The proposed 2 no. car parking spaces to serve No. 67 would result in the loss of the existing front garden to No. 67.

Highways

Two car parking spaces are proposed to serve the new bungalow accessed using the existing crossover (extended).

Two spaces are proposed to serve the existing dwelling and these would require a new crossover.

Ecology:

The Council's Planning Application Validation Requirements document states that an Ecology Survey must be submitted with all non-householder applications:

"Required for all applications and as a minimum applications should include a Phase 1 habitat survey identifying any ecological constraints and any potential opportunities for introducing new habitats, whilst also laying the groundwork for further ecological surveys should they also be required (which should also be submitted with an application).

- This assessment must be undertaken by a suitably qualified ecologist, in accordance with British Standard BS 42020:2013 Biodiversity. Code of practice for planning and development."

An 'Ecological Assessment' was submitted with the application, however it is unclear whether this was undertaken by a suitably qualified ecologist.

Most Ecology Reports submitted with Planning applications state in the introductory pages that the author is a qualified Ecologist but the Ecological Assessment submitted with this application does not state this.

The document concludes by stating that no evidence of protected species was found on the site.

The document states that the survey was carried out on 11th November 2021 and is valid for a period of 12 months.

SAC:

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation

in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion:

Recommended for refusal.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Kie Farrell | kfarrell@eppingforestdc.gov.uk

Refusal Reason(s): (3)

- 1 The proposed development by reason of its design, scale, height, footprint and siting would appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 2 The proposed development by reason of its design, scale, height, footprint and siting would have a harmful overbearing visual impact on occupiers of neighbouring residential properties and result in a loss of outlook and privacy. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-

application advice in respect of any future application for a revised development through this service.

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

Drawing L-30 Rev A - Proposed Site Development Plan, Site Location and Block Plans

Drawing L-21 - Existing Ground and First Floor General Arrangement Plans & Elevations

Drawing L-32 Rev A - Proposed General Arrangement Plan, Elevations and Site Cross Section

Supporting Planning Statement, AATP, 2021

Ecological Assessment, AATP

Habitat Regulations Assessment, AATP

Supplementary Planning Statement, 2023, received 12.01.2023

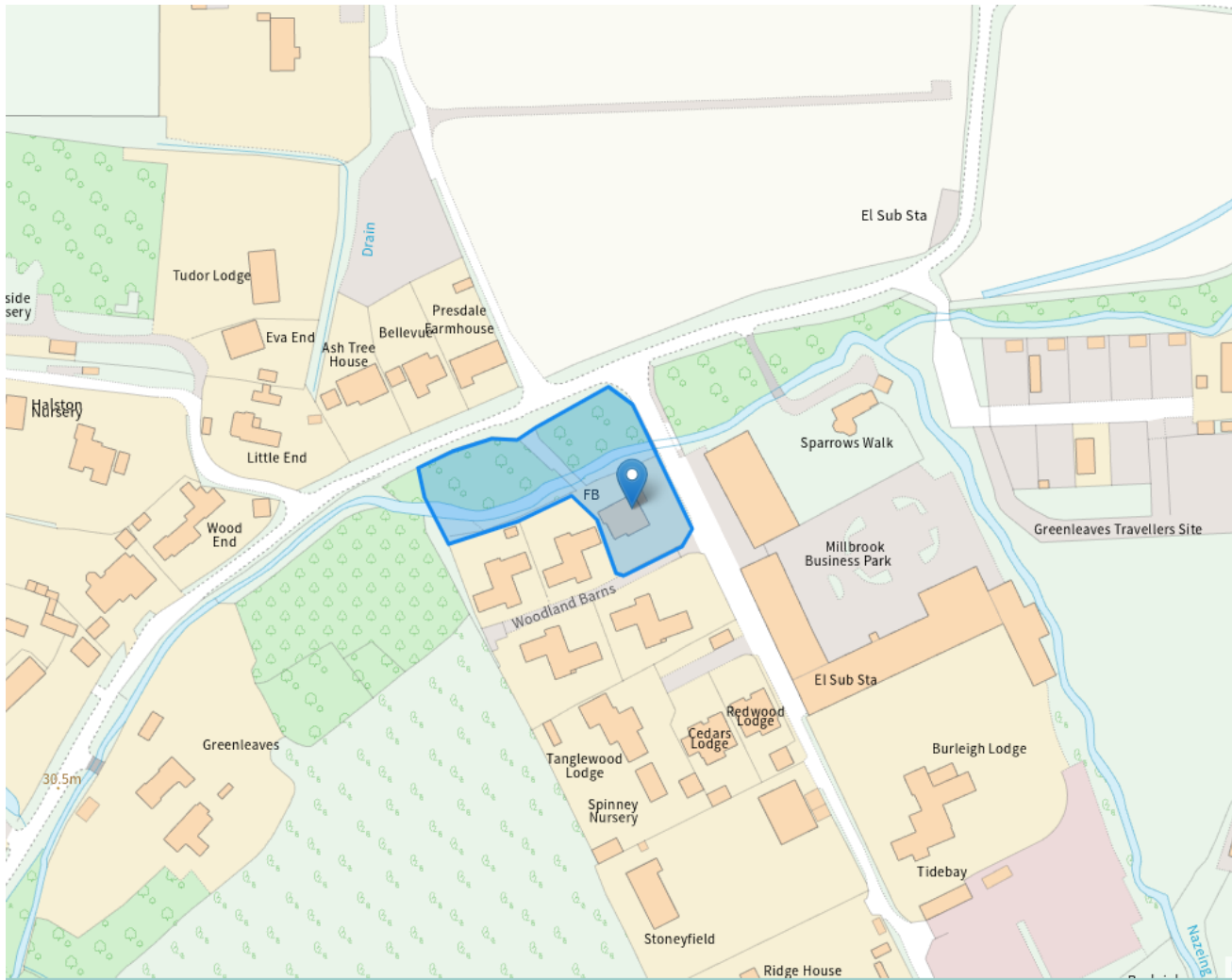
Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).

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Epping Forest District Council

EFDC



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Application Number:	EPF/2628/22
Site Name:	Land at Winston Farm, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ

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OFFICER REPORT

Application Ref: EPF/2628/22
Application Type: Householder planning permission
Applicant: c/o agent
Case Officer: Sukhvinder Dhadwar
Site Address: Land at Winston Farm, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ
Proposal: Demolition of Existing Bridge and Erection of New Access bridge.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uhqa>
Recommendation: Refuse

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

Description of Site:

The application site covers an area of 0.25 hectares and contains a bungalow in the southern part of the site. The northern part of the site contains a stream running through a broadleaved wooded area. This section of the site falls within the Nazeing and South Roydon Conservation Area. It is protected by a blanket Tree Preservation Order along with one veteran tree and falls within Flood Zones 2 and 3.

The site is located to the south of Hoe Lane and to the west of the access road off of Hoe Lane. The surrounding area contains a variety of residential and commercial uses.

The site was originally included within the approved application for the demolition of the previous kennels and associated buildings and replacement with four dwellings which have now been built.

The whole application site falls within land designated as Green Belt.

Description of Proposal:

Permission is sought for the demolition of the existing timber decked bridge which measures 2.35 metres wide by 8.5 metres long and replace it with a new prefabricated steel bridge which measures measure 4.2 metres wide and 7.5 metres long. The new bridge will also have 1.2m high railings inset within 1.5m high brick piers.

Relevant History:

Reference	Description	Decision
EPF/0734/14	Erection of four dwellings following the demolition of kennels and associated commercial buildings and relinquishment of residential mobile home.	Granted
EPF/1352/21	Permission is sought for the demolition of existing building and erection of a new dwelling	Refused
EPF/0189/22	Application to determine if Prior Approval is required for the enlargement of a	Approved

	dwellinghouse by construction of additional storeys	
EPF/3038/21	Demolition of existing bridge and erection of a new access bridge.	Refused
<p>Reasons for refusal:-</p> <p>The proposed replacement bridge by reason of its increased width would have a conspicuous impact and detract from the character and appearance of the local rural landscape setting and from the openness of the Green Belt, contrary to the requirements of policy CP2, GB2A and GB7A of the Adopted Local Plan and Alterations (1998-2006) and policy SP6 and DM4 of the Local Plan Submission Version, 2017 and the NPPF, 2021</p> <p>The development lacks sufficient justification for the proposed replacement of the existing bridge and the proposed materials would fail to preserve the character and appearance of the conservation area contrary to policy HC6 and HC7 of the adopted Local Plan and Alterations and (1998 and 2006); policy DM7 of the Submission Version Local Plan (2017) and the NPPF, 2021</p>		
EPF/1620/22	Demolition of existing building and erection of a new dwelling.	Approved

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
HC6	Character, Appearance and setting of Conservation Area
HC7	Development within Conservation Areas
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
ST4	Highway Safety
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping schemes
ST4	Road Safety
ST6	Vehicle Parking
NC1	SPAs, SACs and SSSIs
NC3	Replacement of Lost Habitat
NC4	Protection of established Habitat
RP5a	Environmental Impacts

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
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM4- Green Belt	Significant
DM6 - Designated and Undesignated Open Spaces	Significant
DM7 - Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM15 - Managing and Reducing Flood Risk	Significant

DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM22 - Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 12
Responses received as follows:-

2 WOODLAND BARNS COMMENT: I support the proposed bridge replacement

PARISH COUNCIL: No objection as this will enhance the exit and this particular bridge will be safer than that which exists.

Main Issues and Considerations:

Background

This application is a resubmission of the identical previously refused scheme under reference EPF/3038/21 in October 2022 for the demolition of existing bridge and erection of a new access bridge. This application was found unacceptable on the grounds of the replacement bridge having a scale, character and appearance that was harmful to the character and openness of the Green Belt and would be harmful to the special significance of the Conservation Area.

Green Belt

The previous case officer found:-

The National Planning Policy Framework, (NPPF), 2021 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. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 147-150 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

The site lies within the Metropolitan Green Belt and in terms of the additional floor space, the proposal seeks to replace the existing pedestrian bridge involving a limited increase in floor area of some 15m².

Paragraph 150 of the NPPF considers engineering operations as not inappropriate development 'provided they preserve its openness and do not conflict with the purposes of including land within it'.

There is no objection to a replacement bridge that would be better supported and safer to use, but the bridge is doubling in width and would allow 2-way traffic giving the potential for the bridge to be very different from its original intended purpose. Its use would become more like a through road affording a more conspicuous suburban feature in an otherwise rural scene.

Overall, the development by reason of its increased width would add an imposing addition with a consequent effect on the visual open amenity of the rural surroundings contrary to the requirements of the NPPF, policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

Impact on the Nazeing and South Roydon Conservation Area

The Local Planning Authority has a legal duty under S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to pay special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 199 of the Framework requires that great weight should be given to a heritage asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 200 of the Framework states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal.

The Conservation Officer has advised:-

Context & Significance

The subject site ('Land at Winston Farm') is located within a designated heritage asset—Nazeing and South Roydon Conservation Area. The site consists of a wide plot of land with a number of mature trees and a timber access bridge established in the late 20th century over a historic waterway ('Nazeing Brook'). The mid to late 20th century property associated with the subject site sits just outside the limit of the conservation area to the south and benefits from another direct access route from Winston Farm to the east. The conservation area covers a wide area as its primary elements of significance relate to the surviving historic landscape and patterns of settlement. Although development within this part of the conservation area was rapid in the 20th century, until then it consisted of only a handful of properties standing behind thick hedgerows and surrounded by mature trees. The site is typical of the area with the portion fronting the road covered by trees, all legally protected by Tree Preservation Orders.

Current Proposal

This application seeks consent for demolition of existing bridge and erection of new access bridge.

Comments

The current scheme is identical to that previously refused at the subject site. As such, Conservation comments on that scheme remain relevant, reproduced below for ease of reference:

"Firstly, we would like to question the need to upgrade the current bridge where a primary access to the property already exists to the side of the plot. No clear and convincing justifications have been provided as part of the Heritage Statement.

The introduction of a metal structure with solid brick peers would appear overengineered, at odds within this unspoilt portion of the site, and cause harm to the strong rural character and appearance of this part of the conservation area."

While relatively modern in date, the existing bridge structure is sympathetically designed with a simple, functional typology in traditional materials. As such, it is considered to achieve a suitable level of subservience within its sensitive context. Any proposed development within the site would be expected to remain sympathetically passive, subdued and informal in order to ensure the green, largely unbuilt

character and appearance of the site is preserved, in line with policies HC6 and HC7 of EFDC's Adopted Local Plan and Alterations (1998 and 2006). This is especially notable given that the property the bridge access route serves is also modern in date. It therefore differs considerably in character, appearance and significance then that of historic properties with access routes over the brook that are sited within the conservation area to the southwest.

The applicant has failed to offer any amendments to the scheme as a result of comments on the previous application.

As such, we consider the current scheme to be UNACCEPTABLE. Further to this, any future iterations of the scheme that include the objectionable elements noted above will similarly be deemed unacceptable.

Recommendations

We CANNOT GIVE OUR SUPPORT to the proposed scheme due to the harm it would cause to the significance of the conservation area.

This is supported by policies HC6, HC7 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and paragraphs 189, 194, 195, 197, 199, 200, 201 and 206 of the NPPF (2021).

Trees

The Trees Officer raised no objections subject to conditions in regard to the impact of the proposal on the health and stability of the existing trees on the site. The proposal therefore complies with the requirements of LL10 of the Local Plan and DM5 of the SVLP.

Ecology

The woodland and stream provide are suitable for commuting and foraging habitat and are likely to be used regularly by larger numbers of bats.

The trees and shrubs on the site provided suitable nesting and foraging habitat for birds.

There is also the likelihood that there was the presence of Invertebrates and fish living within the site along with moderate likelihood that Otters, Water Voles, hedgehogs, Amphibians, and reptiles were living on the site.

The proposal was reviewed by ECC Place Services – Ecology team, they advised insufficient information has been submitted and therefore the application cannot be approved. The justification for this was that:-

We have reviewed the Location Plan (DPA, November 2021), Proposed Site Plan (DPA, November 2021), Tree Survey (Ligna Consultancy, October 2021) and DEFRA's geographic information tool MAGIC, for the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application. The proposals include the demolition of the existing bridge and the erection of a new access bridge. The bridge goes over a stream and the access cuts through a small block of woodland. The waterway could be being utilised by protected species, notably Otter or Water Vole.

As a result, we recommend that a Preliminary Ecological Appraisal is provided so that the LPA can fully assess the impacts of the proposals upon protected species. The Preliminary Ecological Appraisal

should provide details of any survey results, mitigation & enhancement measures. These details are required prior to determination.

The Arboricultural documents also do not indicate that any of the nearby trees will be removed, but the plans do indicate that the trees will be subject to crown lifts. The applicant is within their right to carry out maintenance to the trees. However, it would be good practice to include a Preliminary Bat Roost Assessment of trees during the recommended Preliminary Ecological Appraisal, due to the close proximity of the trees to the proposed works.

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage (based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

Furthermore, we recommend that, to secure net gains for biodiversity, as outlined under Paragraph 174d and 180d of the National Planning Policy Framework 2021, bespoke biodiversity enhancement measures should be secured.

Officers then sought advice on the legal impact of requiring the undertaking of survey work, together with details of any mitigation that may be required in respect of protected species, be submitted for approval before the buildings are demolished as a pre-commencement condition.

Place Services advised that:-

We cannot recommend that this application should be approved without the provision of a Preliminary Roost Assessment to confirm the likelihood of bats being present and likely absent. A Preliminary Roost Assessment can be conducted at any time of year and is not restricted to the summer months.

The proposed demolition of the building has the possibility to damage or destroy a bat breeding or resting place, as well as intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection. As a result, the Preliminary Roost Assessment must be secured prior to determination to ensure that the LPA can manage any likely risk and ensure that they are not liable under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife Countryside Act 1981 (as amended) if bats are identified to be present and permission was granted.

The protected species surveys are also required prior to determination because the Local Planning Authority must consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Therefore, if there is a reasonable likelihood of protected species being present and affected by the development,

the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted.

Therefore, it is highlighted that Protected species surveys should only be secured via a condition of any consent in exceptional circumstances, as outlined in the BS42021. This states:

The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision. The use of planning conditions to secure ecological surveys after planning permission has been granted should therefore only be applied in exceptional circumstances, such as the following:

a) Where original survey work will need to be repeated because the survey data might be out of date before commencement of development.

b) To inform the detailed ecological requirements for later phases of developments that might occur over a long period and/or multiple phases.

c) Where adequate information is already available and further surveys would not make any material difference to the information provided to the decision-maker to determine the planning permission, but where further survey is required to satisfy other consent regimes, e.g. an EPS licence

d) To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased, or decreased within the site.

e) To provide detailed baseline survey information to inform detailed post-development monitoring.

Therefore, we cannot recommend a bespoke condition to secure the bat surveys

It for these reasons that the proposal is contrary to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife Countryside Act 1981 (as amended) guidance contained within ODPM Circular 06/2005, policies NC3 and NC4 of the Local Plan and policy DM1 of the SVLP.

However, since reason for refusal was not cited on the decision notice for EPF/3038/21 and in regard to the application reference EPF/1620/22 for a replacement dwelling, members of the West Area Planning Committee determined to deal with this issue as pre-commencement conditions, this concern has therefore not been included by officers as a reason for refusal.

Environmental Protection and Drainage

Land drainage have no objection in principle but affirm that the applicant must be aware that as works are proposed 'on or near' an Environment Agency designated main river, and they will be required to follow the environmental permitting rules regulated under 'environmental permits', see below link for further information:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Conclusion:

Given that this application is a duplicate of the previously refused scheme under reference EPF/3038/21 and there is no new material consideration sufficient to depart from the decision previously made, Officers therefore consider that the previous reasons for refusal remain justified.

These are that the replacement bridge, due to its increased width over unspoilt land; and metal construction with solid brick piers; will result in a development with a conspicuous suburban appearance that would detract from the character and openness of the rural landscape setting in which it is situated. It is therefore inappropriate development within the Green Belt and harmful to the special significance of the Nazeing and South Roydon Conservation Area and as such refusal is recommended.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Sukhi Dhadwar | sdhadwar@eppingforestdc.gov.uk

Refusal Reason(s): (2)

- 1 The proposed replacement bridge, by reason of its increased width, would have a conspicuous impact and detract from the character and appearance of the local rural landscape setting and from the openness of the Green Belt, contrary to the requirements of policy CP2, GB2A and GB7A of the Adopted Local Plan and Alterations (1998-2006) and policy SP6 and DM4 of the Local Plan Submission Version, 2017 and the NPPF, 2021
- 2 The development lacks sufficient justification for the proposed replacement of the existing bridge and the proposed materials would fail to preserve the character and appearance of the conservation area contrary to policy HC6 and HC7 of the adopted Local Plan and Alterations and (1998 and 2006); policy DM7 of the Submission Version Local Plan (2017) and the NPPF, 2021.

Informatives: (2)

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 4 This decision is made with reference to the following plan numbers:
1512_330; 1512_331; 1512_332; 1512_333.