



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday 21st February 2024**

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 21st February 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman),
R Bassett, A Green, H Kane, S Kane, J Lea, J Lucas,
M Markham, T Matthews, J Parsons, R Pugsley, C Whitbread
and S Yerrell

[This meeting will be broadcast live and recorded for repeated viewing.](#)

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 4 - 5)

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 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 15 November 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. 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.

8. EPF/2601/22 LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE, NAZEING, WALTHAM ABBEY EN10 6RJ (Pages 8 - 26)

To consider the attached report for outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self build & custom build houses; 4 affordable houses, open space, bowling green, children's play area and improved local bus service; all matters reserved except access.

9. EPF/2844/22 NETHER KIDDERS FARM, LAUNDRY LANE, NAZEING, WALTHAM ABBEY EN9 2DY (Pages 27 - 36)

To consider the attached report for the change of use and conversion of existing buildings to form three dwellings and associated car ports, alterations to existing vehicle access, provision of soft landscaping.

10. EPF/2106/23 HANNAH NURSERY, SEWARDSTONE ROAD, WALTHAM ABBEY E4 7RG (Pages 37 - 43)

To consider the attached report for RETROSPECTIVE - One Fascia sign adjacent to the site entrance from Sewardstone Road 200cm(w) x 100cm(h). White board with black writing bearing the name of the site and postal code affixed to the exterior of the site boundary fencing. No company names, services or products are listed/shown.

11. EPF/2179/23 BLACK SWAN PH, COMMON ROAD, WALTHAM ABBEY EN9 2DF (Pages 44 - 51)

To consider the attached report for the s73 variation to condition 2 (plan numbers) attached to EPF/3254/21 (The erection of two new detached dwellings). The proposed changes are; (1) Two front dormer windows and three rear roof lights to the bungalow, and (2) changes to the front landscaping to create two parking spaces at the front of each dwelling, including the creation of a second vehicular access point, the erection of 1.8m high timber fences with 2m high brick piers, further landscaping, and cycle/bin stores.

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.

Agenda Item 2

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.

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE WEST MEETING MINUTES

Wednesday 15 November 2023, 7.00 pm - 7.55 pm

Council Chamber - Civic Offices

Members Present: Councillors H Kane (Chairman), J Lucas (Vice-Chairman), R Bassett, S Kane, J Lea, M Markham, T Matthews, J Parsons, R Pugsley and S Yerrell

Apologies: Councillor(s) S Heather, D Stocker and C Whitbread

Officers In Attendance: T Larsen (Democratic Services Officer), L Kirman (Democratic Services Officer), G Courtney (Planning Applications and Appeals Manager (Development Management)) and S Mitchell (PR Website Editor)

Officers In Attendance (Virtually): G Woodhall (Team Manager - Democratic & Electoral Services), S Dhadwar (Senior Planning Officer) and M Rahman (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

28 WELCOME AND INTRODUCTION

T. Larsen (Democratic Service Officer) opened the meeting and sought nominations for a Chairman due to apologies from the Chairman and Vice-Chairman.

Cllr. Bassett proposed Cllr. H. Kane, this was seconded by Cllr. Lea.

Cllr. H Kane requested Cllr. Lucas as Vice-Chairman, this was agreed by the Committee.

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.

29 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.

30 DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillor Bassett declared a pecuniary interest in the following item of the agenda. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF/2601/22 – Land to the south and east of the former Chimes Garden Centre, Nazeing, Waltham Abbey, EN10 6RJ

- b) Pursuant to the Council's Members' Code of Conduct, Councillor Bassett declared a personal interest in the following item of the agenda. The Councillor had determined that s/he would leave the meeting for the consideration of the application and voting thereon:

- EPF/1478/23 Camps Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RG

31 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 4 October 2023 be taken as read and signed by the Chairman as a correct record.

32 ANY OTHER BUSINESS

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

33 SITE VISITS

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

34 EPF/1478/23 - CAMPS FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RG

G. Courtney (Team Manager – Planning Applications and Appeals) explained to the Committee that due to a statutory obligation to notify Historic England, this item could not be heard.

Decision: [application deferred](#) until Historic England has been notified.

35 EPF/0491/20 - PLAYING FIELD, WALTHAM ABBEY LEISURE CENTRE & COMMUNITY CENTRE NINEFIELDS WALTHAM ABBEY EN9 3EH

Decision: [refused](#).

36 EPF/2601/22 - LAND TO THE SOUTH & EAST OF THE FORMER CHIMES GARDEN CENTRE, NAZEING, WALTHAM ABBEY, EN10 6RJ

Applicant had requested the application be deferred. Cllr H Kane proposed to the Committee that the item would be deferred, the Committee agreed.

Decision: [application](#) was deferred following a request from the applicant.

CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/2601/22
Application Type: Outline planning permission: Some matters reserved
Applicant: Lifestyle Care and Community Ltd
Case Officer: Muhammad Rahman
Site Address: Land to the South & East of the former Chimes Garden Centre, Nazeing, Waltham Abbey, EN10 6RJ
Proposal: Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self build & custom build houses; 4 affordable houses, open space, bowling green, children's play area and improved local bus service; all matters reserved except access.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Ufuc>
Recommendation: Refuse



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This application was deferred from the 15th November 2023 meeting to a future meeting upon the request of the applicant to allow the Council to respond to the various queries/FOI requests raised by the applicant, to which the Council has responded to.

Furthermore, since the deferral a number of further updates were made, namely;

1. An update to the National Planning Policy Framework 2023 replacing Paragraph numbers 126, 130, 137 - 150 & 186 with Paragraph numbers 131, 135, 142 - 155 & 186. Paragraph 76 is also of importance which states;
 1. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met: a) their adopted plan is less than five years old; and b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
 2. The new local plan was adopted on the 6th March 2023 and so is less than five years old, and as set out in the conclusion of this report, the adopted plan has identified a 5 year housing supply. Therefore paragraph 77 is not engaged.
2. An additional change was presented by the applicant, namely to the proposed contribution to Nazeing Parish Council from £150,000 to £165,000 and the provision of a street lighting scheme serving Bullrush Way to be secured via the s106 Legal Agreement.
3. A few neighbours at Bullrush Way have now withdrawn their objection and support the scheme.
4. Further information to address the impacts on the Epping Forest Special Area of Conservation was submitted and reviewed by Natural England and the Council, and Officers are satisfied there would be no significant impacts on the EFSAC subject to securing the relevant mitigation measures. Therefore the previously suggested reason for refusal regarding the impact on the EFSAC has been removed. However, a reason for refusal is still necessary regarding the inability to secure mitigation due to the absence of a completed legal agreement.
5. A further viability review was undertaken by the Councils appointed experts based on further information presented by the applicant, however it did not lead to a different conclusion, rather it affirmed again that the scheme can deliver a significantly higher level of affordable housing contribution whilst making a profit. This latest review is published on the website.
6. Comments were received from the Essex County Council Adult & Social Care Team which largely focuses on the design requirements of the extra care housing units as opposed to need for extra care housing which falls to the Council. However the following comments are included within the response:

"Adult Social Care met with the developer to discuss the proposed development. There are 4 affordable apartments in a separate block, and these could not be considered for use by ECC as they do not meet ECC's expectations for an Extra Care scheme to provide a minimum of 60 Extra Care apartments in one building with a communal entrance and reception facilities; for the tenure of a scheme to be predominately affordable housing; and for the Extra Care accommodation to be managed by a registered provider. Furthermore, the block of 4 apartments does not have a lift to provide access to all floors and it is located some distance from the main Extra Care scheme where the communal services and facilities are located. The developer is aware of our view.

The provision of affordable housing within the main Extra Care scheme would not meet ECC's requirements for Extra Care housing to be managed by a registered provider. Furthermore, ECC expects the rent and service charges, in particular any non-housing benefit eligible service charges, to be affordable for residents. The service charges in predominantly market sale Extra Care scheme can be unaffordable for those on a low income or in receipt of welfare benefits.

We support the developer's assertion that Extra Care housing schemes need to be of a sufficient size, in terms of number of apartments, to ensure that the communal facilities and provision of care are viable. Without communal facilities and care provision, the schemes are not Extra Care. For schemes that we commission, our expectation, as set out in the design guide, is that schemes would be a minimum of 60 apartments and a maximum of 100 apartments".

No other changes have been made to the report and the previous officer report has been reproduced below.

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).

Site and Surroundings

The site comprises of open green Belt land within the former Chimes Garden Centre. The site is accessed from Old Nazeing Road. It lies wholly within the Metropolitan Green Belt and the Lea Valley Regional Park (LVRP). It is not within a conservation area, nor are there any heritage assets within the site. The site is wholly within EA Flood Zones 2 & 3. A gas pipe runs adjacent the site.

Proposal

Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing); 10 self-build & custom build houses; 4 affordable houses; open space, bowling green, children's play area and improved local bus service; all matters reserved except access.

To summarise above, a total of 79 units are proposed along with commercial units.

The proposal was amended since its initial submission. The following amendments were made;

1. Removal of the previous proposed roundabout;
2. The 4 starter homes have been amended to 4 affordable houses;
3. The removal of the previous proposed 1 market dwelling which was sited to the rear of 95 Old Nazeing Road; and
4. Red/Blue line on the submitted Local Plan was amended removing the development to the rear of 95 Old Nazeing Road and the Blue line represents the parcel of land for Biodiversity Net Gain.

All parties were reconsulted on the amended description and plans.

A Planning Performance Agreement was entered into with the applicant to work through some of the key issues.

Relevant Planning History

Multiple Planning Histories with the most relevant below;

EPF/0689/84 - Extension of garden centre area with access road and additional car parking - Approved with Conditions

EPF/0229/90 - Section 106, Use of building for light industrial and storage uses (Classes B1 & B8) and car parking associated with Chimes Garden Centre - Approved with Conditions – Use ceased.

EPF/0206/14 - Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping - Refused

EPF/0570/15 - Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping - Approved with Conditions

EPF/1232/16 - Demolition of existing Garden Centre/Commercial Buildings and erection of 17 (16, 6 bed and 1, 4 bed) dwellings with associated parking and landscaping - Approved with Conditions

EPF/1492/16 - Outline planning application for 7 no. Self-Build Houses in accordance with Self-Build Act 2015 with all matters reserved - Refused

EPF/0566/18 - Outline planning application for 7 self-build homes with all matters reserved - Refused

EPF/1351/18 - Demolition of site buildings and redevelopment to provide 33 new homes
Approved & Implemented

EPF/1769/18 - Variation of planning conditions 4,5,6,7,9,10,12,13,14,15,16,17,18,19,20,21,24, 25 & 26 on planning permission EPF/0570/15 (Demolition of existing garden centre/commercial buildings and erection of 26 dwellings with associated parking and landscaping). To enable specific demolition works to take place before the conditions are discharged - Approved with Conditions

EPF/3040/19 - Proposed erection of x14 no. dwellings (4 flats and 10 dwellings) - Refused

EPF/3043/19 - Application for Variation of Condition 2 `Plan numbers' of EPF/1351/18 (Demolition of site buildings and redevelopment to provide x33 no. new homes) - Approved with Conditions

EF\2019\ENQ\00807 - Residential development proposed on Brownfield Land - Advice Given

EPF/0549/20 - Application for Variation of Condition 2 `Plan numbers` of EPF/1351/18 (Demolition of site buildings and redevelopment to provide x33 no. new homes - Extensions to plots 15 and 16 - Approved with Conditions

EF\2021\ENQ\00794 - Follow up to EF\2019\ENQ\00807 - Advice Given

EPF/2713/21 - Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19) – Approved

PRE/0149/22 – Pre-application in respect of conditions 4"– Details of Surface Water Proposals", 6,"– Flood Mitigation", 7"Submission of Contamination Risks and Mitigation", 9"Details of Hard and Soft Landscaping" & 16"Details of Enhancements for Nature Conservation" for EPF/2713/21 – Closed

EPF/0440/22 - Application for Approval of Details reserved by condition 16"verification report" for EPF/1351/18 – Refused

EPF/1168/23 - Variation of Condition `Plan numbers' of EPF/2713/21 (Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19)) – Refused

EPF/2602/22 - Outline application for the redevelopment of the site to provide up to 52 later living apartments (Extra Care Housing) (use class C2) incorporating a convenience shop and café (use class E); 13 retirement cottages (Extra Care Housing) (use class C2); 10 self-build & custom build houses (use class C3); 4 starter homes (use class C3) at 70% of Open Market Value; associated mini-roundabout access, open space, bowling green, children's play area and improved local bus service; all matters reserved except access – In Progress

This application differs from EPF/2601/22, in that the 4 proposed starter homes include a larger discount (70%) of open market value

EPF/1955/23 - Application for approval of details reserved by condition 3'External Finishes' on planning permission EPF/2713/21 (Erection of 14 dwellings (4 flats and 10 dwellings) (resubmission of EPF/3040/19) – Details Approved

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1 Spatial Development Strategy 2011-2033
SP2 Place Shaping
SP5 Green Belt and District Open Land
H1 Housing Mix and Accommodation Types
H2 Affordable housing
T1 Sustainable Transport Choices
DM1 Habitat protection and improving biodiversity
DM2 Epping Forest SAC and the Lee Valley SPA
DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM4 Green Belt
DM5 Green and Blue Infrastructure
DM9 High Quality Design
DM10 Housing Design and Quality
DM11 Waste Recycling Facilities on New Development
DM16 Sustainable Drainage Systems
DM19 Sustainable Water Use
DM21 Local Environmental Impacts, Pollution and Land Contamination
DM22 Air Quality
P10 Nazeing
D1 Delivery of Infrastructure
D2 Essential Facilities and Services
D3 Utilities
D4 Community, Leisure, and Cultural Facilities

National Planning Policy Framework 2023 (Framework)

Paragraph 11
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Paragraphs 126 & 130
Paragraphs 137 – 150
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 135. 40 Responses Received.
Site notice posted: Yes, including a Press advert

MULTIPLE OBJECTIONS RECEIVED inc. Broxbourne Cruising Club – Summarised as:

- Increased Traffic
- Lack of Infrastructure
- Impact on the Green Belt & LVRP
- Flood Risk
- No very special circumstances
- Ecology Concerns
- Impact on Rural Environment/Trees/Landscape
- Noise and general disturbance.
- Loss of privacy/overlooking; and
- Insufficient Lighting for Elderly Residents.

NAZEING PARISH COUNCIL – The Council has supported this application throughout and continues to do so. We reiterate our previous comments made on 02/01/2023, that the Council fully support the application EPF/2602/22 because the following will be specifically provided:

- i. Assisted living apartments and care facilities,
- ii. A new children’s play area which will also be available for use by the residents of the completed phases of the Chimes development,
- iii. Four starter homes,
- iv. Ten self-build homes,
- v. Financial contribution to Epping Forest Community Transport, which will provide an improved bus service to Nazeing and residents of Riverside ward,
- vi. A roundabout at the entrance to the Chimes site and
- vii. Communal facilities.

Resolved – that the Council also support application EPF/2601/22, although the Council’s preference is for application EPF/2602/22 as the starter homes are at 70% of Open Market Value. The reasons for supporting the application are the same as for application EPF/2602/22.

The Council have requested that District Cllrs Bassett and Pugsley call in both applications, namely EPF/2602/22 and EPF/2601/22.

Further comments following the re-consultation exercise;

At a meeting of Nazeing Parish Councils Planning Committee on 13th April 2023, the case detailed above was considered.

This Council is aware that negotiations have been taking place with the Case Officer and as a result changes have been made to the scheme which is the subject of these applications. In my letter dated 10 February 2023 I set out a number of reasons why the Council is supporting the applications. In the main these have not changed notwithstanding amendments which have been made by the applicant to the proposals. For example, it appears that Essex Highways objected to the proposal to include a mini roundabout at the entrance to the Chimes development on the basis that it was not required. Accordingly, the roundabout has been removed from the applications which is one of the reasons for the re-consultation.

The applicant has also indicated an intention to enter into a S.106 Agreement on the basis that the money contributed will be ring-fenced for Nazeing.

Following further discussion, the Council resolved to continue to strongly support both of the above applications as explained in the penultimate paragraph of my letter dated 10 February 2023.

Planning Considerations

The application has been submitted in outline with all matters, except for access, reserved for subsequent determination. As such the scope of the proposal is limited to consideration of the principle of the development and the access. Matters relating to scale, appearance, layout, and landscaping are to be fully assessed via a future reserved matters application(s).

The proposal would utilise the existing access, albeit with an extended vehicular crossover and no objections have been raised by the Highways officer in this regard. Whilst the parking spaces are indicated on the plans, these are merely indicative since layout is a reserved matter and would be considered subsequently if outline planning permission is granted. In terms of the proposed access, it is clear that it can accommodate the scale of the proposed development and would not harm the safety or operation of the highway network. Officers note the concerns raised by local residents, however; no substantive evidence has been provided to reach a different conclusion.

Thus, the remaining main issues relate to;

- a) The principle of the development within the Green Belt; and
- b) The impact on the Epping Forest Special Area of Conservation.

Background

Under the 2016/2017 site selection process part of the site (SR-0438b) (where the proposed self builds are located) was assessed, however, it did not make it to stage 1 due the extant planning permission dated prior to 31st July 2016 (EPF/0570/15).

Too add, under the 2018 site selection process (SR-0438B-N), again part of the site as mentioned above was assessed, however it did not go past stage 1 as it was located outside the settlement buffer zone – one of the Major Policy Constraints.

Members should also be aware that prior to the submission of the application, an application for the site to be included in the Brownfield Register was made. As per the Town and Country Planning (Brownfield Land Registers) Regulations 2017, the Council will only enter previously developed land in its area in Part 1 of the register where it meets the criteria in regulation 4(1). The land must (a) have an area of at least 0.25 hectares, or be capable of supporting at least 5 dwellings; (b) be “suitable for residential development”; (c) be available for residential development; and (d) residential development of the land must be achievable.

As for what land is “suitable for residential development”, this is defined further in regulation 4(2). The first three criteria under reg.4(2) reflect decisions that have already been made – that the site has been allocated in a local plan, has planning permission, or permission in principle. The final criterion requires a judgment by the LPA to be made, in that the land:

“(d) is, in the opinion of the local planning authority, appropriate for residential development, having regard to—
(i) any adverse impact on—
(aa) the natural environment;
(bb) the local built environment, including in particular on heritage assets;
(ii) any adverse impact on the local amenity which such development might cause for intended occupiers of the development or for occupiers of neighbouring properties;
and
(iii) any relevant representations received.”

The site was reviewed by the Council and the Brownfield Land Register (‘BFLR’) assessments sets out why the site was discounted, and so was not added to the Brownfield Register. Too add, the Council sought legal advice on this matter which was shared with the applicant, and the conclusions are below;

40. The current applicant (Lifestyle Care and Community Ltd) continues to place reliance on a legal opinion that criticised the Council's BFLR conclusions...

41. This Legal Opinion was submitted to the Council as part of the response on behalf of the applicant at that time, River Lea Developments Limited, to the BFLR assessment. They obtained an Opinion from Steven Whale, a planning barrister, dated 8 March 2022. He states that he considered both "the former Poultry Farm site" and the "Chimes Phase III site". Reference is also made by him to the planning appeal decision. A number of criticisms were made in that Opinion, but - as his last section makes clear - Mr Whale did not reach a conclusion on whether or not the areas he was asked to consider were or were not Brownfield land. At its highest, his conclusions in para 33 are that:

"33. The Council should re-assess the two sites. There are factual reasons for doing so. Moreover, the Council appears on present evidence to have erred in law in that it has not applied section 14A(7)(a) of the Planning and Compulsory Purchase Act 2004. ..."

42. Despite these criticisms, the Council has stood by the assessments that it has made. There was an exchange of pre-action protocol correspondence, in September and October 2022, regarding a possible judicial review challenge to the Brownfield Land Register assessments. The Council also obtained and shared its own legal opinion dated 8 August 2022 with River Lea Developments Limited. The Council did not accept the points made on behalf of River Lea Developments Limited. The legal points at issue were about the Council's assessment of the sites' suitability for residential development under regulation 4, and the application of section 14A(7)(a).

43. In any event, no judicial review proceedings were issued. Therefore, as matters stand now, the 2021 Brownfield Land Register assessment remains valid, and has not been legally challenged. It was also part of the evidence base for the Local Plan and considered as part of that process before its adoption this year.

Principle of the Development within the Green Belt

Paragraph 137 of the Framework states: the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence, or in other words, it is characterised by an absence of development.

Paragraphs 147 & 148 further state; Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, 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 resulting from the proposal, is clearly outweighed by other considerations. The adopted Local Plan echoes the position of the NPPF and both identify that certain forms of development are not considered to be inappropriate in the Green Belt.

It is common ground with the applicant that the proposal represents inappropriate development within the Green Belt, which is by definition, harmful, and given its significant quantum and scale will also result in substantial material harm to its openness, both in visual and spatial terms. In addition, the areas of parking along with the residential paraphernalia and domestic/commercial activity that would result from the dwellings and commercial units would cause a further significant erosion of the openness of the Green Belt.

The site has an overall area of some 2.7027 hectares and of this approx. 0.44 ha is previously developed land which includes Bullrush way and a small section contained at the northern end of the old poultry farm site. However, this small section of previously developed land (PDL) is immaterial in this

application due to the significant harm to the openness of the Green Belt that this development proposal would cause.

The proposal conflicts with the fundamental purpose of the Green Belt of keeping land permanently open and will result in substantial urban sprawl. In accordance with the requirements of the Framework, each of the identified harms to the Green Belt noted above, which are considerable, must be afforded substantial weight against the proposal. Very special circumstances (“VSCs”) are required to clearly outweigh these and any other harm, and this matter will be discussed further in the Planning Balance.

Epping Forest Special Area of Conservation (SAC)

A large part of the Epping Forest is designated as a Special Area of Conservation (EFSAC) primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to it containing habitats and species that are vulnerable or rare.

The Council, as a ‘competent authority’ under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and in accordance with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033, has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of such designated sites either alone or in combination with other plans and projects.

The Council, through the Local Plan Habitats Regulations Assessment 2022, (the HRA 2022) has identified two main issues (known as ‘Pathways of Impact’) that are currently adversely affecting the health of the Epping Forest.

The first relates to recreational pressure. Surveys have demonstrated that the 75th percentile of visitors live within 6.2km (Zone of Influence) of the Epping Forest. As such new residential development within this 6.2km ‘Zone of Influence’ is likely to result in more people visiting the Epping Forest on a regular basis which will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads within 200m of the EFSAC which emit pollutants harmful to the EFSAC’s interest features (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle using roads within 200m of the EFSAC has the potential to contribute to increases in atmospheric pollution within the EFSAC when taken in combination with other plans and projects.

Stage 1: Screening Assessment

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. Consequently, the development would not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. Based on the information provided by the applicant the development would result in a net increase in Annual Average Daily Traffic (AADT) using roads within 200m of the EFSAC. Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to atmospheric pollution Pathway of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is therefore a requirement for the Council to undertake an ‘Appropriate Assessment’ of the application proposal in relation to the atmospheric pollution Pathway of Impact.

Stage 2: 'Appropriate Assessment'

Atmospheric Pollution

The information provided by the applicant has indicated that the proposal would result in a net increase in Average Annual Daily Traffic (AADT) using roads within 200m of the EFSAC of some 14 vehicles. The application site has not been allocated in the adopted Local Plan for the provision of residential development and as such the proposals has not been assessed through the modelling undertaken to inform the HRA 2022 and the Council's Adopted Air Pollution Mitigation Strategy.

The Council, through the adoption of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities.

It is important to note that the evidence base that has been developed to inform the IAPMS has taken into account Annual Average Daily Traffic (AADT) that would arise from development planned through the adopted Local Plan. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on ecological health. The IAPMS therefore provides the mechanism by which the competent authority can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The application has indicated that they would be prepared to make a financial contribution towards the implementation of monitoring and mitigation measures identified in the IAPMS. However, in this particular case, as the proposal has not been allocated in the adopted Local Plan and, having regard to the scale of development proposed, the applicant cannot rely solely on the measures contained in the IAPMS for its mitigation. A scheme of this scale would need to be supported by bespoke air quality modelling to determine the level of impact on the EFSAC over and above those identified in the HRA 2022 and be supported by a bespoke mitigation strategy. As the application is not supported by either the Council cannot be satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC.

As such the Council, as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and in accordance with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033 (whereby it has a duty to ensure that plans and projects for whose consent it is responsible) has not been satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC either alone or in-combination with other plans and projects within the adopted Local Plan.

Therefore, the proposal fails to demonstrate with reasonable scientific certainty that there would be no adverse effect on the special interest features of the EFASC. As such the proposal has the potential to result in an adverse effect on the EFSAC and as such is contrary to Policy DM2 of the adopted Local Plan, the requirements of the Framework and the legislative requirements of the Habitat Regulations.

Other Considerations

C2/C3 Use Class

PPG 10 states;

Extra care housing or housing-with-care: This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive

communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses. Paragraph: 010 Reference ID: 63-010-20190626

It is for a local planning authority to consider into which use class a particular development may fall. When determining whether a development for specialist housing for older people falls within C2 (Residential Institutions) or C3 (Dwellinghouse) of the Use Classes Order, consideration could, for example, be given to the level of care and scale of communal facilities provided. Paragraph: 014 Reference ID: 63-014-20190626

Having reviewed the proposed care package and taking into account the self-contained element of the proposed units, Officers are of the opinion that the units should be treated as C3 use. In any case this has no material impact to the merits of the case.

Landscape/Visual Impact

Officers are satisfied that the resulting development has scope to sit comfortably and successfully assimilate with its existing residential and countryside context. However, as above-mentioned layout, landscaping etc, i.e., the important finer details of the scheme can be adequately controlled by planning conditions and at the reserved matters stage to ensure this.

Community Infrastructure

The proposal will generate additional demands on healthcare and other community facilities including leisure. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, Officers are satisfied that the appropriate mitigation measures as detailed in the Planning Obligation section below, if secured via a completed s106 legal agreement would overcome these concerns.

Consequently, in the absence of harm there is no conflict with the LP or the Framework in these regards. However, as these obligations are mitigation, they do not constitute material benefits.

Self-Build

The Council has been unable to meet the demand for self-build and custom housebuilding in their area as required under the Self Build Act 2015 (as amended), and so the proposed up to 10 self-build plots is afforded moderate weight.

Affordable Housing

Policy H2 states; development sites which provide for 11 or more homes or residential floorspace of more than 1000m² (combined gross internal area), the Council will require 40% of those homes to be for affordable housing and provided on site. Further, the Framework and the Local Plan recognise that, for some developments and in exceptional circumstance, it may be more appropriate for financial contribution to be provided in lieu of affordable housing on site, thus helping the District Council fund the provision of affordable housing on another site suitable for the provision of those home. This is subject to the following conditions, provided that the Council is satisfied:

- The financial contribution is at least equivalent to the increased development value if affordable housing was not provided on site, subject to such a contribution being viable; and
- A financial and viability appraisal has been provided (with supporting evidence) which is transparent and complies with relevant national and local guidance applicable at the time, properly assessing the level of financial contribution to be provided.

Although it is possible to incorporate affordable housing within this proposed development, the Council has accepted in the past, for practical reasons, that private extra-care, or assisted living accommodation is not particularly suited for the provision of on-site affordable housing. In such circumstances, the Council has agreed an appropriate level of financial contribution for other such developments. In the circumstances of this application therefore, it is concluded that a similar approach would be appropriate. However, in this instance the applicant has not offered an appropriate contribution to affordable housing provision.

In accordance with the policy noted above, a financial and viability appraisal was submitted by the applicant which has been assessed by the Council's affordable housing consultants (BPS Surveyors).

Having reviewed the submitted information, BPS have concluded that the proposed scheme is in a substantial surplus at some £3.4 million and, therefore, can viably contribute towards additional affordable housing.

The applicant has currently proposed 4 affordable houses + £250,000 payment. To achieve 40% policy compliance a further £2.2 million is required, so £250,000 + £2.2 million = £2.47 million. Further information was submitted by the applicant inc. a further payment of £250,000 (Total of £500,000) which was reviewed by BPS; however, it did not lead to a different conclusion nor any of the concerns raised in the reports addressed by the applicant. In total therefore the application has a significant shortfall of £1.97 million (£2.47m minus £500,000) which should be provided towards affordable housing provision.

The applicant disagrees with the above assessment but has not provided sufficient justification as to why the above figure is not viable. Thus, BPS and Officers are of the view that no reasonable agreement would be reached. As such for the reasons above, the proposal fails to provide an appropriate level of affordable housing contributions despite such provision being financially viable, and so this lack of provision should be afforded substantial weight against the proposal.

Air Quality in respect to Human Health

The submitted air quality assessment concludes that the impacts on Human health from the construction and operational phases will be low subject to the mitigation measures. The Councils Air Quality Officer has raised no objections to the above assessment subject to recommended conditions.

Health and Well-Being

The proposal would reduce the risk of social isolation and may reduce the potential call on the NHS as well as improve health and well-being of older residents. This benefit attracts neutral weight. The Councils Public Health Improvement Officer has reviewed the submitted Health Impact Assessment (HIA) and raised no objections.

Economic Development and Employment

The proposal would be likely to generate jobs approx. 135 Direct and 200 indirect jobs as stated in the submitted HIA, with further supply chain benefits from services providing support to older residents. There would be economic benefits from the construction of the proposal and long-term benefits from spending in the local economy for goods and services. These benefits are afforded some weight.

Location

Public transport services run within walking distance of the site and a large urban catchment close by would help to reduce the travel distance of potential staff. The convenience and sustainability of the location for the development including the improvement to the C392 Bus Service would attract some weight.

Flood Risk

The site is within Flood Zone 2 & 3 and the applicant has carried out a sequential test which sets out why the site is suitable for the proposed development and that no other alternative suitable sites are available within the District. 4 different methodologies were carried out and of this Officers do not agree with methodologies 1-3 but give some weight to methodology No. 4.

The following Paragraphs of the Frameworks states;

162. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165. Both elements of the exception test should be satisfied for development to be allocated or permitted.

167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

As per Para 164 (a) as mentioned throughout the report there are some benefits to the wider community in regard to health and wellbeing, economic development, and employment along with the upgrades to the bus network and other various improvements inc to the Local Parish as outlined in the Planning Obligation section below.

Turning to Para 164 (b) & Para 167, Officers note that the Environment Agency, ECC Suds Team & the Councils Drainage Team are satisfied with the submitted Site-Specific Flood Risk Assessment subject to recommended conditions.

On this basis, it is not considered reasonable to recommend refusal on Sequential Test grounds, particular one that could be defended on appeal.

Lee Valley Regional Park (LVRP)

Officers note the concerns raised by the LVRP Authority with regards to ecology and the impact on the LVRP. Additional surveys were submitted during the course of the application and reviewed by both the LVRPA & ECC Ecology Team. No material objections were raised, however, there is still some scope for improvement. As layout, landscape is a reserved matter, some of the finer details, such as the suggested 10m buffer from the eastern, southern, and western boundaries of the site to ensure sufficient space was provided within which to create a substantial landscape buffer in order to shield the development from the Regional Park, can be reviewed at that stage along with suitably worded planning conditions.

To summarise this matter, the LVRPA have suggested appropriate mitigations in their comments along with a financial contribution which are set out in the Planning Obligation sections below.

The applicant has queried this financial contribution and the LVRPA has provided the following response below;

It is important that the development, positioned as it is within the Regional Park, provides sufficient amenity space to cater for the immediate informal recreational, play and open space requirements of all the new residents, so as to reduce the pressure on adjoining Park areas. The proposed public open space will no doubt be a popular and a well-used area given the number of new units proposed and the fact that there is very little open space provided as part of the recent residential developments immediately to the north of the application site. A substantial number of the new residents from the proposed 80 units, are likely therefore to make use of adjoining Park areas, in particular Rusheymead just to the north of the application site, which is public open space and includes some informal paths and wayfinding. It is unclear how the access proposed in the southeast corner of the site is to be managed as public access along the section of Snakey Lane between the two lakes heading east through to Green Lane is not currently permitted, and it is unlikely that the fishery would wish to see this area and access to the lake opened up. Contributions via S106 funding have therefore been sought to enable the Authority to enhance visitor infrastructure and woodland habitat at Rusheymead to accommodate the increased and regular use/footfall arising from the proposed development; indicative figures suggested a sum of 89k for these enhancements, as per the Authority's original submission.

Officers consider that the mitigation measures suggested by the LVRP are justified and thus consider that the impact on the LVRP can be overcome via a suitably worded conditions, along with a completed s106 Legal Agreement.

Trees, Landscape and Ecology

The submissions recognise a number of assets exist within the site in landscape and ecological terms. This includes a range of existing trees and extended natural environments which may include nesting sites for bats and birds etc, and the likelihood that other ground foraging fauna exist.

Opportunities for biodiversity enhancement evidently exist and will form a key component of the wider site, likely to include new habitats.

The broad principles established in the Preliminary Ecological Assessment and Supporting surveys, the Landscape Strategy and the Biodiversity Net Gain assessment are accepted by Officers and ECC

Ecology Team, Natural England and the Environment Agency and the Councils Tree Team, and further details can be progressed at the reserved matters stage, along with suitably worded planning conditions and a completed s106 legal agreement.

Planning Obligations

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site-specific matters considered above. The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

In the event that planning permission is granted a s106 legal agreement would be required to secure the following financial contributions below.

For clarity, Officers are satisfied that the obligations below are necessary to make the development acceptable in planning terms, that they are directly related to and are fairly and reasonably related in scale and kind to the development, and so meets the tests set out in paragraph 57 of the Framework and the CIL Regulations 2010.

- 4 Affordable houses + Payment of £2.47 million
- GP Surgery - £657.30 per dwelling (79 x 657.30 = £51,926.7)
- Libraries - £6,224
- Community Facilities - £1322 per dwelling (x79) = £104,438
- Sport and Leisure Facilities - £1142.35 per dwelling = £90,245.65
- Open Space and Green Infrastructure - £7262.03 per dwelling (x79) = £573,700.37
- East of England Ambulance Service - £17,557
- Epping Forest Community Transport C392 bus service - £158,000
- Nazeing Parish Community Centre - £165,000
- LVRPA Rushmead habitat and visitor infrastructure enhancements
- Woodland habitat enhancement - £50K
- Access improvements approx. 500m type 1 path upgrade - £30k
- Visitor infrastructure improvements 4 benches - £3k
- Boundary fencing upgrade approx. 200m - £5k
- Bird & Bat boxes - £1k
- Total - £89,000
- The Provision of BNG Land & Offset contribution & Monitoring Strategy & Habitat Creation Plan to deliver Biodiversity Net Gain - £100,000
- 10 Self Build plots.
- The Provision of public open space, bowling green and children's play area including a Management Plan and Details and arrangements of the Management company will be required.
- The provisions of an Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers.
- EFSAC Mitigation financial contributions in relation to air pollution - £335 per dwelling (x79) = £26,465

Total Costs = £3,852,556.72

- Epping Forest DC S106 Monitoring Fee - Five percent (5%) of the cost value of the financial planning obligations included in the agreement (up to a maximum of £50,000) and/or a flat rate of £500 per each non-financial obligation.

Total EFDC Monitoring Fee = £50,000

- Essex County Council Monitoring Fees - £550 per obligation

Total ECC Monitoring Fee = £1100

Planning Balance & Conclusion

As mentioned earlier in the report, since the proposal constitutes inappropriate development in the Green Belt that causes additional harm to its openness and conflicts with its fundamental purposes, the applicant must advance VSCs to clearly outweigh this harm.

The main thrust of the VSCs advanced by the applicant is the need, principally for the extra care housing and lack of an up to date 5-year housing supply, which are assessed below.

Need for extra care housing in the Epping Forest District

The Councils Planning Policy Team have provided the following comments below;

The outline planning application proposes the erection of 52 later living apartments and 13 retirement cottages both promoted as being categorised within use class C2. The development is described as providing 'enhanced extra care'. It is stated that both 'schemes would meet a clear unmet need for (the Specialist Accommodation proposed'.

Epping Forest District Council commissioned research in 2021 from the Housing LIN, a consultancy specialising in research on older peoples housing, into the need for specialist accommodation for older people in Epping Forest District over the Local Plan period, 2011-2033. The Housing LIN reported back their findings in the 'Assessment of need for housing and accommodation for older people in Epping Forest District to 2033' at the end of 2021. This research was further updated in 2023 to take account of the ONS 2021 census population estimates, with the Housing LIN reporting back their updated findings in July 2023.

The Housing LIN report breaks down the net need for housing for older people by different categories – Housing for Older People (Sheltered social housing & private sector retirement housing), Housing with Care (extra care housing and assisted living), residential care homes and nursing care homes. Table 15 of the report (p23) summarises this net need. It states that over the remaining Plan period to 2033, 60 more housing with care units will be needed for sale/shared ownership and 60 for rent. This equates to 6 new housing with care units per year on an annualised basis for both rental and for sale/shared ownership, or 3 just for sale/shared ownership. On a non-annualised basis, the Housing LIN table states that 15 new housing with care units are needed in 2023, 35 by 2027, and 60 by 2033.

There is therefore a need for more extra care units over the Plan period. However, this need is far from critical, and the Council believes that this need could be accommodated on already allocated sites as:

- The Council has flexibility in how some residential allocations it has can be used as there is a need for a minimum of 11,400 homes over the Local Plan period, but the allocations will deliver 12,199 as outlined in Table 2.3 on page 28 of the Local Plan.
- Policy H1 D specifically states that large scale new residential developments, which would include a number of allocated sites within the Local Plan, 'should incorporate specially designed housing/specialist accommodation for people with support needs (including for older people and housing with care).'
- The Council has a specific allocated site for 105 new specialist dwellings – CHIG R4 Policy P7 P159 Local Plan Part 1 and P92 & 93 Local Plan Part 2.

Therefore, it is the Council's view that very limited weight should be attached to the need for extra care units in the District in relation to the case made by the applicant for very special circumstances.

The applicant has submitted a report by DLP which challenges the findings of the Housing LIN report and suggests there is a much greater need for new extra care units in the District over the Plan period.

Housing LIN has issued a rebuttal to this challenge and stands by the findings of their 2023 updated report.

5 Year Housing Supply

The Councils Planning Policy Team have provided the following comments below;

The Epping Forest District Local Plan 2011–2033 was adopted on the 06 March 2023. As agreed by the Local Plan Inspector, when considered against the stepped trajectory, the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years. Therefore, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained. The plan delivers an appropriate provision for affordable housing, older people, specialist housing, Gypsy and Traveller accommodation and accessible homes to meet the identified needs of different groups.

Furthermore paragraph 75 of the 2021 NPPF states that:

‘A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process’.

The Epping Forest District Local Plan qualifies as a ‘recently adopted Plan’ under Footnote 40 of the 2021 NPPF which states that ‘a plan adopted between 1 November and 30 April will be considered recently adopted until 31st October in the same year’.

As such, despite the assertion of the applicant (supported by their submission documents) to the contrary, the Council can demonstrate a five-year supply of land for housing and therefore very limited weight is attributed to this matter in terms of ‘very special circumstances’, and therefore the ‘tilted balance’ as set out in paragraph 11 of the NPPF is not engaged.

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, and conflicting with fundamental purposes of including land within it;
2. The harm by reason of lack of sufficient affordable housing provision; and
3. The harm to the EFSAC; and
4. The harm to the Infrastructure due to the absence of a completed s106 Legal agreement.

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, 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.

Officers have considered the representations and these have been addressed above. although some issues will be assessed in detail at reserved matters stage, when layout, landscape, scale etc is considered.

Officers have also considered the numerous appeal decisions submitted by the applicant in support of the application, however, each case needs to be assessed on its own individual merits and for the reasons set out above, they afforded limited weight.

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 email the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (3)

- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt and the other harms identified. The proposal is therefore contrary to Policies SP5 & DM4 of the Epping Forest District Local Plan 2011 - 2033 (2023), and Paragraphs 137, 147 - 150 of the NPPF 2023.
- 2 The application has failed to provide sufficient provision of / contribution towards affordable housing despite such provision being financially viable, contrary to Policy H2 of the Epping Forest District Local Plan 2011 – 2033 (2023) and the NPPF 2023.
- 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 local infrastructure and service, including provision of affordable housing, health capacity, sports & leisure, open space, BNG, the Epping Forest Special Area for Conservation in terms of air pollution, and local community facilities as set out in the adopted Infrastructure Delivery Plan. Failure to secure such mitigation is contrary to policies H2, DM2, DM22, D1, D2, D3 and D4 of the Epping Forest Local Plan 2011-2033 (2023), the NPPF 2023, and the requirements of the Habitats Regulations 2017.

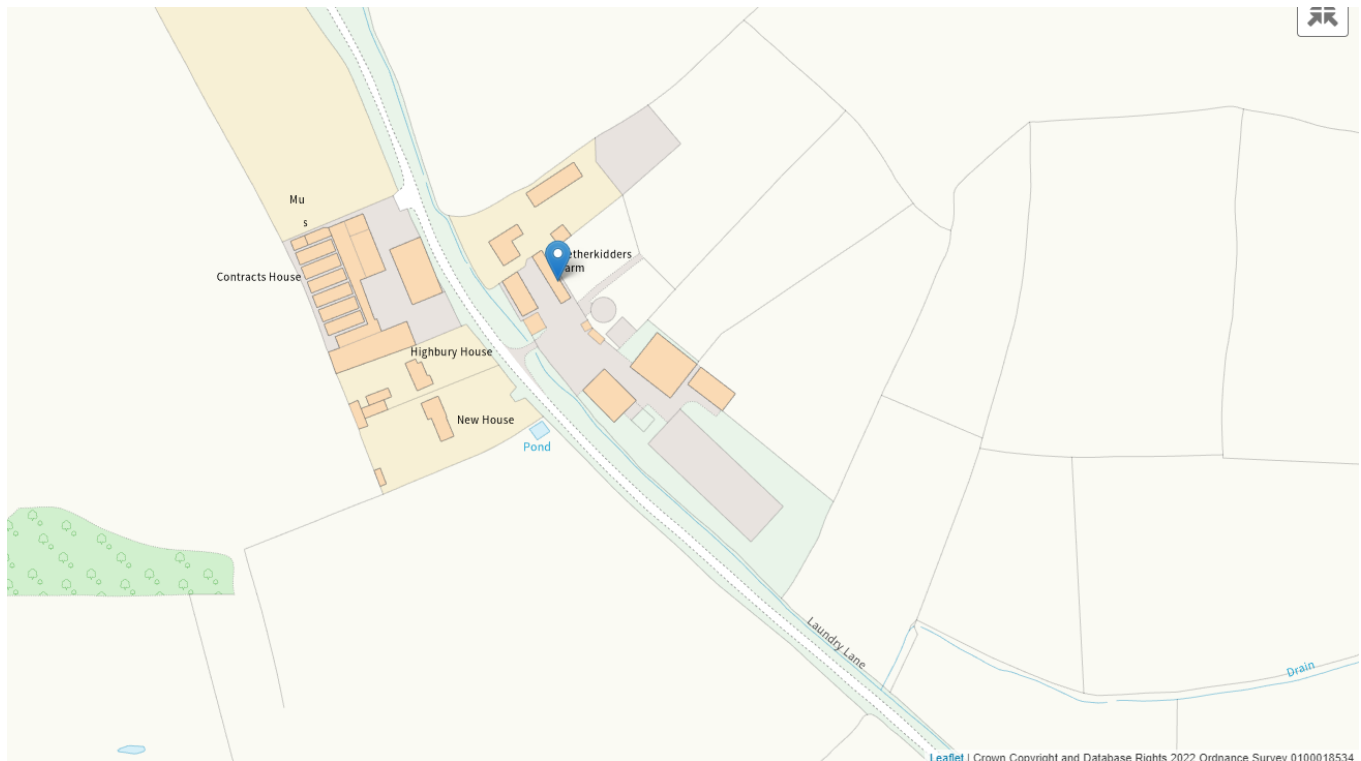
Informatives: (2)

- 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: 17152-E-001 Rev G, 17152-P-001 Rev G, 10891L.LSP.003 Rev H, Tree Constraints Plan (Preliminary) - Sheets 1 - 3, Artist Impressions 1 - 6, and Supporting Information.

OFFICER REPORT

Application Ref: EPF/2844/22
Application Type: Full planning permission
Applicant: Mr Peter Gross
Case Officer: Caroline Brown
Site Address: Nether Kidders Farm, Laundry Lane, Nazeing, Waltham Abbey, EN9 2DY
Proposal: Change of use and conversion of existing buildings to form three dwellings and associated car ports, alterations to existing vehicle access, provision of soft landscaping.
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UwWF>
Recommendation: Refuse



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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)).

Description of site

Nether Kidders Farm is a timber framed, rendered 2-storey Grade II Listed 18th Century farmhouse located to the northeast of laundry Lane which includes a stable yard.

Further to the southeast of the site lies three large barns in equestrian related use and part of an existing outdoor riding arena. Barn A consists of a tall, domed metal roofed barn with an additional extensive lean-to extension. Barns B & C are pitched roof and steel framed sheds clad with sheeting.

Vehicle access is onto laundry Lane, a narrow Lane which is shared with the Listed Building and associated buildings.

The site lies within the boundaries of the Green Belt and located in Flood Zone 1.

Description of proposal

This application seeks consent for the change of use and conversion of two of the existing buildings to form three dwellings; conversion of one existing building for associated car port; alterations to existing vehicle access and provision of soft landscaping.

Barn A-

Plot 1: 1, 3 bed, 2 storey dwellinghouse (GIA 212m²) - 2 rooflights located to lower ground floor lean to roof and one inset recessed window to upper aspect of the ground rear floor lean to. With the provision of 365m² amenity space

Plot 2: 1, 4 bed, part single/ 2 storey dwellinghouse (GIA 224m²) - 4 rooflights to lower aspect of the ground floor rear lean to with the provision of 175m² amenity space.

Materials: Corrugated sheeting removed and replaced with vertical cedar cladding, zinc roof, grey aluminium windows

Barn B:

Plot 3: - 1, 4 Bed detached dwellinghouse (8 Person- GIA 248m²)) involving 4 rooflights. Raising the height of the barn by 0.6m - provision of 230m² amenity space.

Barn C:

The proposed carport would provide covered parking for 6 cars (two each for plots 1 & 2 and two visitor bays). Two tandem spaces would be provided for plot 3, adjacent to its north-western end.

Barn C is also to make provision for bikes and refuse storage no details have been provided. The existing access is to be retained leading to a private vehicle access with a permeable shingle surface.

A proposed timber 5 bar gate would connect the new access to the old yard to enable access into the applicant's fields to the north-east of the site.

A proposed 5 bar gate to the entrance to the 3 dwellings. No design details of the gates have been provided.

Each dwelling would be provided with an electric vehicle charging point.

Relevant History:

EPF/2704/21 - The application is seeking consent for the demolition of the existing equestrian barns & hardstanding areas and removal of existing ménage, construction of x 4, 2- storey, 4-bed detached houses with car ports, alterations to existing vehicular access & provision of soft landscaping. Refused

1. The proposed scheme by reason of its design, density, layout and siting does not sufficiently maintain the prevailing established spatial pattern of development resulting in a more intrusive and dominant development which is out of context in its setting, harmful to the open rural character of the Green Belt. The proposal would therefore be detrimental to the open character and the visual amenity of the Green Belt area and would represent inappropriate development. Inappropriate development is, by definition harmful to the Green Belt and for which no very special circumstances have been demonstrated to clearly outweigh this harm. The scale and intensification of brick form will cause further harm to the openness of the Green Belt above and beyond the harm caused by reason of inappropriate development. and the proposal is contrary to policies CP1, CP2, GB2A, GB7A, DBE9 and DBE10 of the Epping Forest Adopted Local Plan (1998-2006) and policy SP1, SP2, SP6, DM9, DM4 and DM10 of the Submission Version, 2017 and with the relevant paragraphs of the National Planning Policy Framework, 2021.

2. The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicle and lead to the promotion of unsustainable patterns of growth where there are limited public transport choices, contrary to policies CP1, CP3 and CP9 of the Epping Forest District Local Plan and Alterations, policies SP1, SP2 and T1 of the Epping Forest District Local Plan Submission 1. Version 2017 and the guidance contained within the National Planning Policy Framework. 2021.

3. The development by reason of its design, layout is considered inappropriate and out of context in its setting and would fail to enhance or preserve the significance of the setting of the listed building, eroding its historical character and presence contrary to policy HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and paragraphs of the National Planning Policy Framework, 2021.

4. The development by reason of its design, scale and siting is considered to cause, an increased sense of enclosure and a perceived sense of overlooking resulting in an unsatisfactory form of accommodation to future occupiers of the development. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 and DM10 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers.

5. Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and/or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

EPF/1479/09 - Variation of conditions 2 and 6 on EPF/0437/05 to allow use as horse stud farm and liveries. (Up to 22 horses) - approved - 09/10/2009

EPF/2209/06 - Agricultural determination for equipment and hay storage area. - Refused.

The barn has been in existence since 2009 as viewed on Google maps.

EPF/0437/05 - Change of use from agriculture to equestrian use; including adaption of buildings to provide stabling, provision of an outdoor ménage, lighting and associated facilities. Approved - 08/06/2005,

EPF/2160/03 - Change of use from agriculture to equestrian use including provision of an outdoor ménage (revised application). - Refused 02/03/2004

- The proposal would result in a level of activity that would change the character of the farmyard and destroy the peace and seclusion of this small cluster of houses in this part of Laundry Lane, harming the amenities of the occupiers of the nearby properties.
- The scale of this proposal would result in traffic generation of a different scale and character of any existing traffic associated with the farm, causing harm in both environmental and physical terms, contrary to the provisions of Policies LRT3 and RE2 of the Essex and Southend on Sea Structure Plan and GB8 of the adopted Local Plan.
- This isolated location is not easily accessible by non-car modes of transport or existing and committed sustainable means of transport. As such the proposal is contrary to the provisions of Policies LRT3, CS2 and T3 of the adopted Essex and Southend on Sea Replacement Structure Plan and central government policy for sustainable transport as set out in PPG 13.
- The proposed development will give rise to highway conditions on Laundry Lane and Waltham Road which are prejudicial to highway safety in which respect it is contrary to policies RST4 and T17 of the adopted Local Plan and T3 of the Essex and Southend- on- Sea Replacement Structure Plan.

DEVELOPMENT PLAN

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

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011- 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies are relevant to the determination of this application.

- SP6 - Green Belt and District Open Land
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM3 - Landscape Character, Ancient Landscapes and Geodiversity
- DM4 - Green Belt
- DM7 - Heritage Assets
- DM9 - High Quality Design
- DM10 - Housing Design and Quality
- LL11 - Landscaping schemes
- H1 - Housing Mix and Accommodation Types
- T1 - Sustainable Transport Choices
- DM1 - Housing Design and Quality
- DM11 - Waste Recycling Facilities on New Development
- DM15 - Managing and Reducing Flood Risk
- DM16 - Sustainable Drainage Systems
- DM17 - Protecting and Enhancing Watercourses and Flood Defences
- DM18 - On Site Management of Wastewater and Water Supply
- DM19 - Sustainable Water Use
- DM20 - Low Carbon and Renewable Energy
- DM21 - Local Environmental Impacts, Pollution and Land Contamination

NPPF, 2023

The revised NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application: 126 - 129 - 137- 47, 159-169 189, 194, 195, 197, 199, 200, 202, 206 and 208 of the NPPF.

Consultation Carried Out and Summary of Representations Received

Site Notice Displayed

Nazeing Parish Council - No Objection

29 Residents consulted: 1 objection that raises the following concerns:

New House, Laundry Lane:

- substantial increase in the number of vehicle movements on the private lane.
- cause significant harm to the open countryside.

Not a sustainable location for development due to lack of public transport, road is narrow and unsafe for cyclist and pedestrians, reliance on private car usage.

Application does not demonstrate a 10% Biodiversity Net Gain will achieve, as required on all developments by the Environment Bill.

Loss of much needed equestrian facilities.

Harm to the setting to the listed farmhouse.

Main Considerations

The key considerations are:

- Appropriateness and Impact of the development on the Openness of the Green Belt,
- Impact on the amenity of neighbouring properties/ Form of Accommodation,
- Sustainability,
- Impact on the Listed Building,
- Highway and parking,
- Trees and Landscaping,
- Epping Forest Special Area of Conservation.

Impact of the development on the Green Belt:

The National Planning Policy Framework, (NPPF), 2023 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.

There are exceptions as outlined in paragraph 150 d), '*...the re-use of buildings provided that the buildings are of permanent and substantial construction.*' is another form of development that is also not inappropriate in the Green Belt provided that they preserve its openness and does not conflict with the purposes of including land within it'.

The barns are of good construction as verified by the submitted Structural Appraisal Reports by BRP Associates, (Structural & Civil Engineers), August 2023, confirming that the barns are largely corrosive steel framed with crack damage but with solid concrete floors and capable of supporting the proposed

changes subject to strengthening, underpinning, blast cleaned and repainted involving minimal aesthetic alterations.

The conversion of the barns into dwellings would not be materially larger than what currently exists but the assessment on the Green Belt is not determined solely by spatial but also visual impact on the rural character of the surrounding area.

Whereas the existing barns are considered appropriate in the context of its surroundings, their conversion into dwellinghouses would result in a more conspicuous intrusive suburban impact, involving a greater amount of vehicular and pedestrian traffic movements, activity, formal gardens, boundary treatment, outbuildings, light spill, subsequent domestic paraphernalia and a larger vehicle access and greater harm to the openness of the Green Belt and the site being of different character to what presently exists.

The proposed tight layout, form and siting of Plot 1 & Plot 3 of the 3-4 bed dwellings with limited separation distance between the properties and no allocated defensible space results in inadequate space surrounds which highlights the inability of the site to accommodate adequate provision of garden space to the rear in all of the units. Considering the size of the dwellings, this is at odds with the open character of the area which comprises of isolated houses within more spacious layout and generous gardens.

The potential benefits to housing supply that the scheme brings has been given some weight, but given that the latest 5-year housing land supply, including a 20% buffer, stands at 5.4 years, the plan makes sufficient provision for housing over the plan period and takes a practical and sound approach towards housing delivery and the housing trajectory. There is adequate evidence to indicate that a 5-year supply of housing will be maintained and therefore this matter would not outweigh the identifiable harm. Although proposed landscaping would provide some softening of the visual impacts of the proposed dwellings, the proposal would not overcome the harm to the Green Belt.

The Council is not aware of any very special circumstances which clearly outweigh this harm and any other harm resulting from the proposal. The proposal therefore conflicts with Green Belt policy within the NPPF, policy DM4 of the adopted Local Plan and has not satisfactorily addressed reason 1 of the previous refused application.

Impact on Amenity and Form of Accommodation

The design, and impact of the development on the character and appearance of an area is recognised by the NPPF, policies of which seeks to ensure, amongst other things, that new development is of a high-quality design that respects its setting and the character and environment of the locality.

The NPPF also encourages Local Planning Authorities to: *'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

The form of living space for future occupiers is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of accommodation. The siting and layout of the dwellings would not have any amenity implications to the living conditions of neighbouring properties and also meets current internal space standards set out the Essex Design Guidance and the National Technical Standards.

However, Plot 3 of the proposed development is where the amenity area provision is located to the side of the property, adjacent to and parallel with the private vehicle road that runs through the proposed dwellings.

The siting and location of the garden to Plot 3, with a proposed 1.2m high post and rail fence would only partly enclose the garden and there is concern for the potential overlooking and loss of privacy from the private road and passers-by.

The closeness of the road and proposed 6 bay car port to the garden of Plot 3 would also result in the lack of quiet ambience associated and expected from a private garden. Furthermore, given the siting and closeness of the dwellings facing each other, Plot 2 would have overlooking at first floor into the garden of Plot 3 resulting in a loss of privacy.

In addition, the dwellings have no defined front boundary treatment, and where the narrow road and closeness of the properties facing each other increases the potential of overlooking.

Overall, the proposed development has not addressed reason 4 of the previous refused application and would result in an unsatisfactory standard of environment by reason of its design, limited space, scale and siting which results in overlooking and a loss of privacy. Such substantial harm is contrary to policy DM9 of the adopted Local Plan and the provisions of the NPPF in this regard.

Sustainability:

The site is in a remote isolated location with vehicle access Laundry Lane onto a very narrow private lane. The location is not a sustainable environment that lacks public transport modes served by local infrastructure and services and this formed one of the reasons for refusal on previous applications which has not been addressed by this application.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to sustainable development: economic, social and environmental. Whilst there is support for a rural economy this needs to be balanced against the social role of supporting strong vibrant communities by providing the supply of housing required to meet the need of present and future generations and by creating a high-quality built environment with accessible local services and the environmental role of protecting and enhancing the natural and built environment.

The proposal would lead to the promotion of further unsustainable patterns of growth where there are limited public transport choices.

Taking everything into considerations, the site is not considered 'Sustainable' and the Council have identified more appropriate, allocated residential sites in the sequential process in more sustainable locations. As such the proposed development would not comply with the objectives of SP1 and DM4 of the Submission Version, 2017.

Accordingly, the proposal would not comply with Policies SP1 and T1 of the Local Plan 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 and has not satisfactorily addressed reason 2 of the previous refused application.

Impact on the Listed Building

Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest, and which have been awarded listed building status. The setting of a listed building is often an essential feature of its character.

Nether Kidders Farm is a Grade II Listed (no.1337296) 18th century farmhouse with 19th century extensions to the rear. The house is timber framed and rendered and stands at two-storeys under a red plain clay tile hipped roof. To the south are associated historic agricultural buildings, arranged around a courtyard. These ancillary buildings are considered to be curtilage Listed due to their age, positioning and historic relationship with the historic Nether Kidders farmstead. Grade II Listed buildings are of special interest nationally and warrant every effort being made to conserve them.

The neighbouring Listed farmstead at Nether Kidders is located in a remote position within a well-established countryside context, open to long range views due to the surrounding open fields. This is very typical of a traditional Essex nuclear farmstead typology; historic farmsteads make an important contribution to the rural landscape. As such, the sensitive adaptive reuse of the associated historic barns within that curtilage could be supported if required to secure the future of the heritage asset. However, to the contrary, the conversion brings confusion to the legibility of the historic site, its visual and spatial integrity.

The barns are expected structures within the setting of the historic farmstead as they reflect, through their function, the legibility of its original agricultural character. It is considered that the acceptability of these 20th and 21st century structures within the subject site is only appropriate due to their ancillary use and functional character within an agricultural setting.

The proposed conversion of these two barns would introduce a clear suburban character, unsympathetic domestic paraphernalia (boundary treatments, formal surfacing, porches, etc) and a large amount of light spill into a part of the site that was historically open fields and agricultural / functional in character and appearance. As stated above, the setting of a heritage asset is often an essential feature of its character.

The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting, the surroundings in which it is experienced. As such, the degree of harm that the current scheme would have on this sensitive setting is considered to be unacceptable.

The proposed scheme has not satisfactorily addressed reason 3 on the previous refused application due to the harm it would cause the setting of the designated heritage asset (Listed building) and the overall significance of Nether Kidders Farm contrary to policy DM7 of the Local Plan and of the NPPF (2023).

Highways and Parking

The proposed development is to utilise the existing vehicle access onto Laundry Lane and has allocated Barn C for 2 car spaces for plot 1 and plot 2. Plot 3 has 2 car spaces sited to the north flank elevation of the proposed dwellinghouse.

Given the rural location of the site, with no street lighting, footways, limited access to public transport and key facilities, it is likely that most trips to and from the site will be by private motor vehicle.

Essex County Council Highways raise no objection to the proposal in terms of highway safety subject to conditions. This is in accordance with the Highway Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy T1 of the adopted Local Plan, 2023

Trees and landscaping

The Trees and Landscape officer has not objected to the proposed development subject to the attachment of appropriate conditions.

Epping Forest Special Area of Conservation:

The Council has a duty as 'competent authority' under the Habitats Regulations Assessment (HRA) to protect Epping Forest from the effects of any development to ascertain whether it would result in any adverse environmental impacts.

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of

strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS.

Notwithstanding the above, there is no mechanism to secure such a contribution and therefore it cannot be ascertained that there would not be harm caused to the SAC. The Council has a statutory duty to ensure that there would be no adverse effect on the integrity of the SAC and adopting a precautionary approach, it cannot be concluded that the proposal will not cause harm to the SAC. The proposal is therefore contrary to policies DM 2 and DM 22 of the adopted Local Plan, (2011-2033), 2023 which formed a reason for refusal on the previous application and has not been addressed.

Conclusion

The proposed development is a resubmission following a refusal where the design, layout and siting has not addressed the previous reasons for refusal. In terms of visual character and appearance, the proposed development would result in significant additional harm on the openness of the Green Belt; harm to the Listed Building, unsatisfactory design and amenity issues and would lead to the promotion of further unsustainable patterns of growth. Accordingly, the development is contrary to Epping Forest adopted Local Plan and the NPPF, 2023. In light of the above considerations, it is recommended that the application is refused.

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

Planning Application Case Officer: Caroline Brown- Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (5)

- 1 The proposed development by reason of its design, limited space layout and siting does not sufficiently maintain the prevailing established spatial pattern of development resulting in a more urban intrusive, and visually prominent development which is out of context in its setting. The proposal would therefore be detrimental to the open character and the visual amenity of the Green Belt and represents inappropriate development. Inappropriate development is, by definition harmful to the Green Belt and for which no very special circumstances have been demonstrated to clearly outweigh this harm. The scale, and urban intensification will cause further harm to the openness of the Green Belt above and beyond the harm caused by reason of inappropriate development. and the proposal is contrary to policies SP1, SP2, SP6, DM9, DM4 and DM10 of the adopted Local Plan, (2011-2033), 2023 and the National Planning Policy Framework, 2023
- 2 The proposed development, due to its unsustainable location, would result in a reliance on the use of the private vehicle and lead to the promotion of unsustainable patterns of growth where there are limited public transport choices, contrary to policies SP1, SP2 and T1 of the Epping Forest Adopted Local Plan, (2011-2033), 2023 and the National Planning Policy Framework. 2023
- 3 The development by reason of its use, design, layout and siting is considered inappropriate and harmful, out of context in its setting and would fail to enhance or preserve the significance

of the setting of the listed building, eroding its historical character and presence contrary to policy DM7 of the adopted Local Plan, (2011-2033) and of the National Planning Policy Framework, 2023.

- 4 The development by reason of its design, limited space, scale, layout and siting causes an increased sense of enclosure, overlooking and a loss of privacy and an unsatisfactory form of accommodation to future occupiers. Such substantial harm is contrary to policy DM9 of the adopted Local Plan and with the core objective of the NPPF to secure a good standard of amenity for all existing and future occupiers.

- 5 Substantial weight is attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and/or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policy DM22 of the Epping Forest adopted Local Plan, (2011-2033) and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

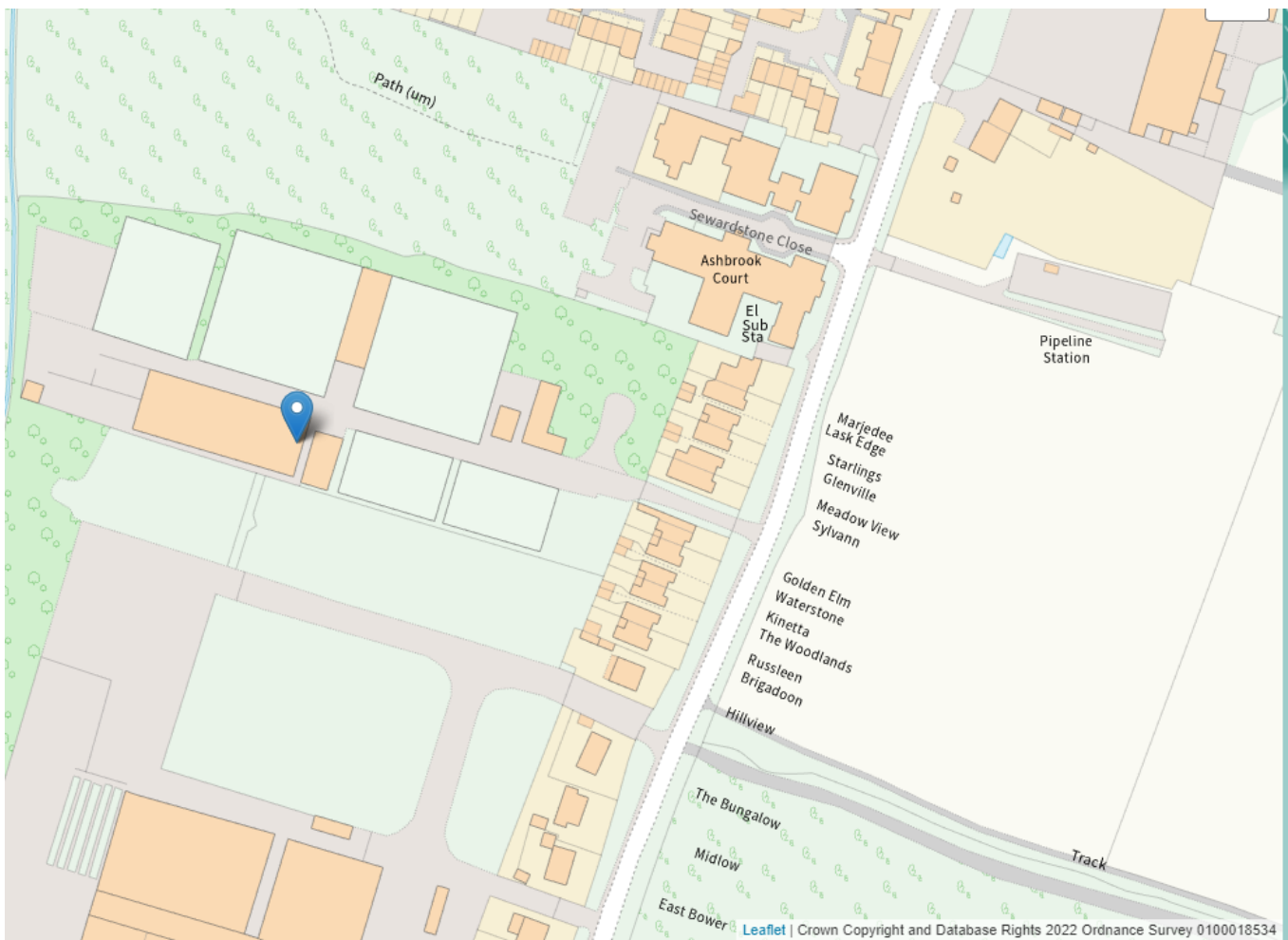
Informatives: (1)

- 6 This decision is made with reference to the following plan numbers: 2022-635-002; 003 Rev A 010; 011; 012; 020; 021 Rev A; 022 Rev A

OFFICER REPORT

Application Ref: EPF/2106/23
Application Type: Consent to display an advertisement
Applicant: Mr Jon Pennell
Case Officer: Caroline Brown
Site Address: Hannah Nursery, Sewardstone Road, Waltham Abbey, E4 7RG
Proposal: RETROSPECTIVE - One Fascia sign adjacent to the site entrance from Sewardstone Road 200cm(w) x 100cm(h). White board with black writing bearing the name of the site and postal code affixed to the exterior of the site boundary fencing. No company names, services or products are listed/shown.

Ward: Waltham Abbey High Beach
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XS3f>
Recommendation: Approve with Conditions



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This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

Hannah Nursery' was historically a long-established horticultural site comprising of blocks of glasshouses, located to the west of Sewardstone Road, to the rear of residential properties fronting onto Sewardstone Road. Access lies in between 2 bungalows with a 4.5m wide vehicular access track that runs down the centre of the site.

Glasshouses cover a significant proportion of the site and a number of other buildings on the southern side comprising of two former packing shed buildings. The area to the west of Sewardstone Road is concentrated by nurseries and horticultural nurseries within the boundaries of the Green Belt.

A large former packhouse building replaced a block of glasshouses approved in 2012 Ref: EPF/1621/12. Due to the long term vacancy of the glasshouses and the a decline in the viability of the nursery, planning permission was granted in February 2019 for the change of use of the large former packing shed to Class B2 general industrial use and for the use of an adjacent glasshouse for ancillary car storage, related parking for a total of 16 cars, landscaping to the west of the glasshouses and tree planting along the western periphery of the site and the demolition of the existing scaffolding unit. (Ref: EPF/3345/18).

In 2019, the former packhouse was subdivided into 3 units, one of which was for the manufacture of double-glazed windows and doors and the other 2 Units B & C used for the repair and servicing of motor vehicles to the western end of the site with an area of hardstanding subdivided by metal fencing used for the parking of cars and 2 portacabins for use in connection with Unit C.

The site lies within the boundaries of the Metropolitan Green Belt, no Listed Buildings attributed to the site, and it is not within a Conservation Area.

Description of Development:

The application seeks to regularise advertisement consent for the display of one non-illuminated sign located to the front entrance of the site measuring 200cm(w) x 100cm(h). The sign has a white background with black writing bearing the name of the site and postal code affixed to the exterior of the site boundary fencing. No company names, services or products are listed/shown.

Relevant History:

EPF/2356/20 - Use of former glasshouse for the display of cars for sale; use of industrial unit in part of former packing shed building for ancillary storage of cars and as ancillary offices and provision of 8 ancillary staff car parking spaces.- Retrospective -

EPF/3345/18: Demolition of existing scaffolding unit, removal of existing fencing and portacabins, use of existing building for Class B2 industrial use and adjacent glasshouse for ancillary car at Hannah Nursery, Sewardstone Road, Waltham Abbey, Essex – approved - February 2019.

EPF/1621/12 Demolition of the existing glasshouse and the erection of a new pack house - Approved.
EPF/2408/07 Erection of agricultural tie dwelling - Refused 04/01/08 (Allowed on Appeal) - Not Implemented.

EPF/0976/96 Erection of new glasshouses - Approved 24/09/96.

DEVELOPMENT PLAN

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

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 -2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011- 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policy is relevant

T1 - Sustainable Transport Choices
DM9 - High Quality Design
DM13 - Advertisements

NPPF, 2023

The revised NPPF is a material consideration in determining planning applications.
The following paragraphs of the NPPF are considered to be of relevance to this application:

137-149 of the NPPF.

Consultation Carried Out and Summary of Representations Received:

WALTHAM ABBEY PARISH COUNCIL - No Objection.

18 Residents Notified : 6 Objections

Meadow View, Sewardstone Rd:

- Sign gives the impression that it is a nursery confusing the public there is no need for 2 signs that are so big and far too obvious in a green belt area.

Starlings, Sewardstone Road:

Oversized and unsightly

Golden Elm, Sewardstone Road

- The two new oversized, obtrusive signs are not in keeping with the area, the previous sign which had been in situ for many years was smaller and more suitable for Hannah Nursery.- set a precedent for the area.
The signs on all houses on Sewardstone Road are all small and modest and we still receive post and deliveries.

Woodlands, Sewardstone Road

- they are too large, unprofessional, they are not signs just white boards with black letters on. The application states that these signs are advertisement signs. For these signs to be advertisement a license would be needed to advertise a business. Hannah Nurseries is no longer a business in its own right Hannah nurseries is now just a cover for predominantly illegal businesses to operate.

The original Hannah Nursery sign was of an acceptable size and fitted in with the historic nature and abeyance of Sewardstone Road and the rest of the names properties either side of Hannah Nurseries. signs are unsightly, unprofessional and more suited to an industrial estate not to a rural residential area setting, this is yet another planning application which is not conducive to a residential environment.

Brigadoon Sewardstone Road.

- massive signs on the entrance of Hannah Nursery as they are unsightly and will set a precedent for others to erect further massive signs in what is supposed to be classed as a rural hamlet.

Amended plans Received for one sign only. A re-consultation exercise was undertaken, and one objection received.

Brigadoon, Sewardstone Road

We object to these massive signs on the entrance of Hannah Nursery as they are unsightly and will set a precedent for others to erect further massive signs in what is supposed to be classed as a rural hamlet.

Marjadee, Sewardstone Road

We strongly object to this sign. It is far too large and will be of inferior style and quality. Sewardstone is a village and Hannah Nurseries is part of a conservation area. If there is to be a sign it should be discreet and in keeping with the countryside.

Further, while there is the abuse of usage of the site with, we understand, an enforcement order to desist ongoing, we and all residents bordering Hannah Nursery are fed up with the noise and downright ugliness that this site has descended into. The new owners have destroyed what was a beautiful green space and it has to stop.

Meadow View, Sewardstone Road

Object to the size of the signs far too large as there is no nursery there anymore it's not necessary to advertise it and we as residents are only allowed a small sign of the name of our property as there are no numbers for the postman to identify.

Issues and Considerations:

The main issues to consider are:

- Impact of amenity
- Impact on highway safety

Hannah Nursery is located in the Green Belt and where the past horticultural use has now ceased, and the Council has granted permission to convert existing buildings to alternative commercial uses and where a front sign for Hannah Nursery has always existed.

The site is surrounded by a mix of residential and commercial uses. Many of the commercial uses on Sewardstone Road have singular front signage such as at 'Ashbrook Court' Care Home, 'Netherhouse Farm Cemetery/Crematorium' with 2 smaller ones on either side of the entrance at Northfields.

Since the uses of commercial units within the site has increased, a number of unauthorised signs have appeared to the entrance of the site which have now been removed and the application seeks consent for one sign on the front boundary to the southwest, close to the entrance.

DM13 states that advertisements will be permitted if the proposal respects the interests of public safety and amenity taking into account five criteria:

- *the design, materials and location of the advertisement respects the scale and character of the building on which it is displayed and the surrounding area.*
- *the proposals would not result in a cluttered street scene, excessive signage, or result in a proliferation of signs advertising a single site or enterprise.*
- *any illumination will be considered in relation to its impact on visual amenity, potential for light pollution, road safety and functional need.*
- *Internally illuminated signs will not be permitted where harm is caused to heritage assets including Listed Buildings and Conservation Areas; and*
- *to safeguard residential and visual amenity, illuminated signs will not be permitted in residential areas to protect the general characteristics of such areas.*

The signage has been amended from 2 signs to one and is considered in accordance with policy DM13 given its simple design and form resulting in no significantly greater impact on the openness of the Green Belt or to the purposes of including land within it and not constitute inappropriate development.

The sign would maintain the visual character and appearance of the surrounding area and complies with local Plan policy.

Impact on neighbouring amenity

The concerns expressed by the residents are noted. The original 2.No. signs has been amended to just one sign and does not involve any external/internal lighting. It's scale and siting is not considered to result in any demonstrable harm to the living conditions of neighbouring properties and accords with the requirements of policy DM9 of the Local Plan, (2011-2033), 2023.

Highway safety

The Highway Authority raises no objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Policy T1 of the Local Plan and the NPPF 2023.

Conclusion

For the reasons set out above, having regard to all matters raised, the signage is appropriate in its context and would not significantly prejudice the amenity of the occupiers of adjoining properties. Other aspects in relation to highway safety are considered satisfactory and is supported by the policies in the adopted Local Plan, (2011-2033), 2023 and the NPPF, 2023. In light of the above considerations, it is recommended that Advertisement Consent is approved.

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

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182

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

Conditions: (6)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plans; photographs;

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

- 2 No advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land).

Reason: To comply with the requirements of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

- 3 No advertisement shall be sited or displayed so as to;

a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the requirements of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

- 4 Any advertisement must be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the requirements of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

- 5 Any advertisement hoarding or structure is to be kept in a condition which does not endanger the public.

Reason: To comply with the requirements of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

- 6 If an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the requirements of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

Informatives: (1)

- 7 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.

Agenda Item 11

OFFICER REPORT

Application Ref: EPF/2179/23
Application Type: Removal/variation of conditions
Applicant: Mr S Suchfield
Case Officer: Muhammad Rahman
Site Address: Black Swan Ph, Common Road, Waltham Abbey, EN9 2DF
Proposal: s73 variation to condition 2 (plan numbers) attached to EPF/3254/21 (The erection of two new detached dwellings). The proposed changes are; (1) Two front dormer windows and three rear roof lights to the bungalow, and (2) changes to the front landscaping to create two parking spaces at the front of each dwelling, including the creation of a second vehicular access point, the erection of 1.8m high timber fences with 2m high brick piers, further landscaping, and cycle/bin stores.

Ward: Broadley Common, Epping Upland and Nazeing
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XYUq>
Recommendation: Refuse



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

Site and Surroundings

The site comprises a parcel of land within the Green Belt and located both within the Nazeing and South Roydon Conservation Area and the curtilage of the grade II listed Black Swan, a late 16th century Public House extensively rebuilt in the early 18th century.

Proposal

The proposal is to vary condition 2 (plan numbers) attached to EPF/3254/21 (The erection of two new detached dwellings). The proposed changes are;

- (1) Two front dormer windows and three rear roof lights to the bungalow, and
- (2) changes to the front landscaping to create two parking spaces at the front of each dwelling, including the creation of a second vehicular access point, the erection of 1.8m high timber fences with 2m high brick piers, further landscaping, and cycle/bin stores.

Relevant Planning History

EPF/0109/18 - Erection of detached house and detached double garage served by new access onto Common Road - Approved

EPF/2700/18 - Application for Approval of Details Reserved by Condition 8 for EPF/0109/18 - Details Approved

EPF/0969/19 - Proposed erection of x 2 no. new semi-detached dwellings including associated landscaping, served by new access onto Common Road – Refused & Dismissed on Appeal

EPF/0027/20 - Nazeing & South Roydon Conservation Area 1 x Cherry - Fell & replace - Approved

EPF/1448/20 - Application for Approval of Detail Reserved by Conditions 3,5,7,14 & 15 for EPF/0109/18 - Details Partially Approved (14 & 15 only)

EF\2020\ENQ\01019 - Pre-application for two new dwellings on land adj to Black Swan – Advice Given

EPF/1049/21 - The erection of two new detached dwellings on land adjacent to The Black Swan, Roydon – Refused

EF\2021\ENQ\00502 – Pre-application for the erection of dwelling on the land north of the existing public house with hard and soft landscaping – Advice Given

EF\2021\ENQ\00968 - Pre application for a proposed x2 no. new dwellings - Advice Given

EPF/3254/21 - The erection of two new detached dwellings. (Revised scheme to EPF/1049/21) - Approved and Implemented

EPF/1861/23 - Variation of condition 2 'plan numbers' of EPF/ (Erection of two new detached dwellings (Revised scheme to EPF/1049/21)) - Disposed

EPF/2907/22 - Application for Approval of Details reserved by conditions 3"details of surface water disposal", 5"types & colours of external finishes" & 14"electric vehicle charging point(s) for EPF/3254/21
- Refused

EPF/0888/23 - Variation to condition 2 'Plan numbers' on planning approval EPF/3254/21 - Refused

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1	Spatial Development Strategy 2011-2033
SP5	Green Belt & Local Green Space
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	131 & 135
Paragraphs	142 - 154
Paragraph	186
Paragraphs	196 – 206

Summary of Representations

Number of neighbours Consulted: 11. 1 response(s) received
Site notice posted: Yes

ROYDON PARISH COUNCIL – Objection - In agreement with the Trees and Landscape Officer who states:

We raise no objection to part 1 - Two front dormer windows and three rear roof lights to the bungalow.

We do, however raise an objection to the proposed layout of the frontage of the site and proposed boundary treatment. The proposed layout creates a significant hard standing area at closer proximity to the road than previous approved. We consider that this results in a much-reduced area of landscaping along Epping Forest District Council memo the roadside, which in turn leads to an urbanisation effect on this open, rural / green part of the Conservation Area.

An alternative would be for the area currently shown with cars to be fully soft landscaped, with the car parking moving closer to the houses – i.e., as follows. There should still be space allocated for planting to the front of the houses between the houses and the cars. The boundary between the two properties should consist of a hedges / trees to assist in softening the site – there is sufficient space for this – it should be a minimum of 2metres in width to allow for robust planting to establish.

We also object to the proposed hard landscaping proposals of the brick piers, with timber fencing and solid gates. Whilst we note the comments made by the applicant in terms of similar boundary treatments within the area, this specific area – i.e. the immediate environs of the pub is that of an open, natural boundaries. As such we object to the introduction of brickwork and solid fencing. What would be more appropriate here would be a post and rail gate with post and rail front fencing. If this is supported with a robust soft landscaping scheme on either side of the fence it should still provide security.

Should these comments be taken on board and revised plans submitted, we would request that full hard and soft landscaping details are submitted for consideration. The landscaping is fundamental in terms of how the proposal will appear within the setting of the Conservation Area, and as such we do not consider that it should be left to an approval of conditions application. Should further information be received please re-consult for revised comments.

I understand that historically Broadley Common does suffer flooding at times and this would seem to only add to this.

It was also discussed that the fence height at 2m is too high.

Planning Considerations

The main issue is the effect that varying condition 2 would have on the heritage assets and landscaping.

Character and Appearance of CA & Setting of Listed Building

The Councils Conservation Officer has provided the following comments below;

This application follows planning permission, EPF/3254/21, approved with conditions in order to ensure the satisfactory appearance in the interest of visual amenity in regard to the Nazeing and South Roydon Conservation Area, as well as to ensure the proposed works preserve the setting of the associated Listed Building (Black Swan Public House).

- *CONDITION 2 – The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 20020_PA_100 Rev A, 20020_PA_101 Rev A, 20020_PA_102 Rev A, 20020_PA_103 Rev A, 20020_PA_104 Rev A, and 20020_PA_105 Rev B*

The proposed variation of the approved plans comprises alterations to the right hand side (northern) dwelling on the site, including the installation of two front dormer windows and three rear rooflights; as well as alterations to the landscaping/boundary treatments for both, including the creation of an

additional (second) access with a tall, solid gate and piers and the erection of a tall, closeboarded fencing along the edge and centre of the plot.

The installation of rooflights to the rear elevation of one of the dwellings does not raise objections; this is the least visible elevation of the affected dwelling and is therefore considered to have a suitably limited impact on the setting— including views to and from—the neighbouring Listed building. Any rooflights within this sensitive setting would be expected to be of Conservation grade and would thusly be subject to conditions regarding their final approval. However, the remainder of the proposed variations are considered to be UNACCEPTABLE.

This assessment is in line with all previous Conservation comments and decisions on related redevelopment schemes at the site from 2018 to present which have consistently required that the scale, massing and detailing of the northern dwelling be suitably limited in order to achieve an appropriate design within the immediate setting of a designated heritage asset (Listed building; conservation area). The associated scheme and Conservation comments are noted below, for ease of reference:

- EPF/0888/23; comments issued 24 May 2023 & 13 June 2023 [on revised app]
- EPF/3254/21; comments issued 02 February 2022
- EPF/1049/21; comments issued 15 September 2021
- EF\2021\ENQ\00502; comments issued 06 July 2021
- EF\2020\ENQ\01019; comments issued 22 January 2021
- EPF/1448/20; comments issued 12 October 2020
- EPF/0969/19; comments issued 04 October 2019 o Appeal dismissed; inspector comments issued 01 July 2020
- EPF/0109/18; comments issued 19 March 2018

The proposed variation (dormers) to the front elevation of the northern dwelling is most similar to the previously refused 2019 design (ref. EPF/0969/19), which was further supported by a dismissed appeal (ref. APP/J1535/W/20/3246008) in 2020. The Inspector's comments on that scheme noted:

"The proposed houses would occupy much of the width of the appeal site. [...] The ridgeline of the smaller house would be set down from that of the larger house, but only by a small amount. The smaller house would include two dormers to both the front and rear roof slopes. [...] I consider that the scale of the houses, the proximity to the shared boundary and their siting closer to Common Road would result in the appeal development being seen as a dominant feature in the setting of the listed building from the road and from the neighbouring property, Tudor Lodge. [...] Having regard to all the above considerations I accordingly conclude that the development proposed would cause unacceptable harm to both the setting and significance of the listed building and to the character and appearance of the CA.

Further relevant conservation comments on the most recently refused application (ref. EPF/0888/23) for variation of the approved plans (Condition 2) noted:

"The further encroachment to the historic curtilage of the Grade II Listed PH, through the erection of the proposed outbuilding, is unacceptable in principle. This is due to the increasingly adverse impact that an additional built form on the site will have on the sensitive setting of the neighbouring Listed building, a relatively small scaled, simply designed structure set back from the public highway (Common Road) c.20m at its nearest point, all set within an open, green, unbuilt plot. The proposed building would appear overbearing and over-prominent, representing an overdevelopment of the site and directly contrary to Condition 19 of the approved scheme. The unsympathetic scale and positioning of the proposed outbuilding would inappropriately extend the built form nearly the full width of the site and in close proximity to Common Road, as well as partially obscuring the approved dwellings which were themselves subject to multiple careful revisions in order for the case officer to deem the most recent scheme to be acceptable. Furthermore, the proposed variation in the block plan of the site will result in the unsympathetic further loss of green space through additional hard surfacing, while also decreasing

the amount of appropriate turning space, directly contrary to Condition 12 of the approved scheme. It will also result in increased residential paraphernalia; increased boundary treatments, subdividing the site further; and the introduction of secondary access, resulting in the further loss of any sympathetic replanting of a front hedge boundary.

Lastly, as noted in multiple previous comments on related schemes at the subject site, the choice of the applicant to replace an approved garage structure (ref. EPF/0109/18) with a new dwelling (ref. EF2020\ENQ\01019; EPF/1049/21; EF2021\ENQ\00502; EPF/3251/21) necessarily limits the ability for the sympathetic introduction of any additional built forms on the site without adversely impacting the setting of the associated designated heritage assets (Listed Building; conservation area) to an inappropriate degree. This natural limitation for ancillary additions to the site is acknowledged by the applicant as part of the approved scheme (ref. EPF/3251/21) within the Planning and Heritage statement submitted in 2022 stating, 'With regards to the imagined pressure for additional extensions and or outbuildings to the two properties, [these additions] would be subject to tougher restrictions.' "

RECOMMENDATIONS

The proposed variation to Condition 2 is NOT CONSIDERED ACCEPTABLE. This is due to the resulting harm it would cause to the significance of the affected designated heritage assets (Black Swan Public House; Nazeing and South Roydon Conservation Area) and that of their wider setting. This is supported by Policies DM7 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and paragraphs 189, 195, 197, 199, 200, 202 and 206 of the NPPF (2021).

Officers have no convincing justification to come to a different conclusion.

Landscaping

On this matter, the Councils Tree Officer has provided the following comments below;

We OBJECT to this application on the grounds that it is contrary to - *Policy DM3 Epping Forest District Local Plan 2011-2033 (2023) - Landscape character, Ancient Landscapes and Geodiversity – '...proposals should be sensitive to their setting in the landscape, and its local distinctiveness and characteristics'*

Comments –

We raise no objection to part 1 - *Two front dormer windows and three rear roof lights to the bungalow.*

We do, however raise an objection to the proposed layout of the frontage of the site and proposed boundary treatment.

The proposed layout creates a significant hard standing area at closer proximity to the road than previous approved. We consider that this results in a much reduced area of landscaping along the roadside, which in turn leads to a urbanisation effect on this open, rural / green part of the Conservation Area. An alternative would be for the area currently shown with cars to be fully soft landscaped , with the car parking moving closer to the houses.

There should still be space allocated for planting to the front of the houses between the houses and the cars.

The boundary between the two properties should consist of a hedges / trees to assist in softening the site – there is sufficient space for this – it should be a minimum of 2metres in width to allow for robust planting to establish.

We also object to the proposed hard landscaping proposals of the brick piers, with timber fencing and solid gates. Whilst we note the comments made by the applicant in terms of similar boundary treatments within the area, this specific area – i.e. the immediate environs of the pub is that of an open, natural boundaries. As such we object to the introduction of brickwork and solid fencing. What would be more appropriate here would be a post and rail gate with post and rail front fencing. If this is support with a robust soft landscaping scheme on either side of the fence it should still provide security.

Should these comments be taken on board and revised plans submitted, we would request that full hard and soft landscaping details are submitted for consideration. The landscaping is fundamental in terms of how the proposal will appear within the setting of the Conservation Area, and as such we do not consider that it should be left to an approval of conditions application.

In this regard, there is no convincing justification to lead officers to a different conclusion.

Other Considerations

The Highways officer has raised no objections subject to recommended conditions.

Although the proposal involves the removal of a condition only, as it would create a new planning permission consideration needs to be given whether the proposed development would have an impact on the Epping Forest Special Area of Conservation on top of that assessed for the parent application.

The consented scheme has been implemented and so the matters relating to the EFSAC would have been discharged. Whilst updated mitigation measures were agreed in August 2021 by the Council. However, this scheme only secured contributions towards Air Quality mitigation, which did not change.

As such should consent be granted a new s106 Legal Agreement would not be required.

Conclusion

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

Should 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.

Refusal Reason(s): (2)

- 1 The proposed amendments would result in a harmful impact on the significance of the affected designated heritage assets (Black Swan Public House; Nazeing and South Roydon Conservation Area) and that of their wider setting, contrary to Policies DM7 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2023.
- 2 The proposed layout results in a much-reduced area of landscaping along the roadside, which in turn leads to a urbanisation effect on this open, rural / green part of the Conservation Area, contrary to Policies DM3 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2023.

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: 100 Rev D, 101 Rev D, 102 Rev D, 103 Rev B, 104 Rev B, 105 Rev C, 110, and Supporting Information.