

AREA PLANS SUB-COMMITTEE 'WEST'

16 August 2017

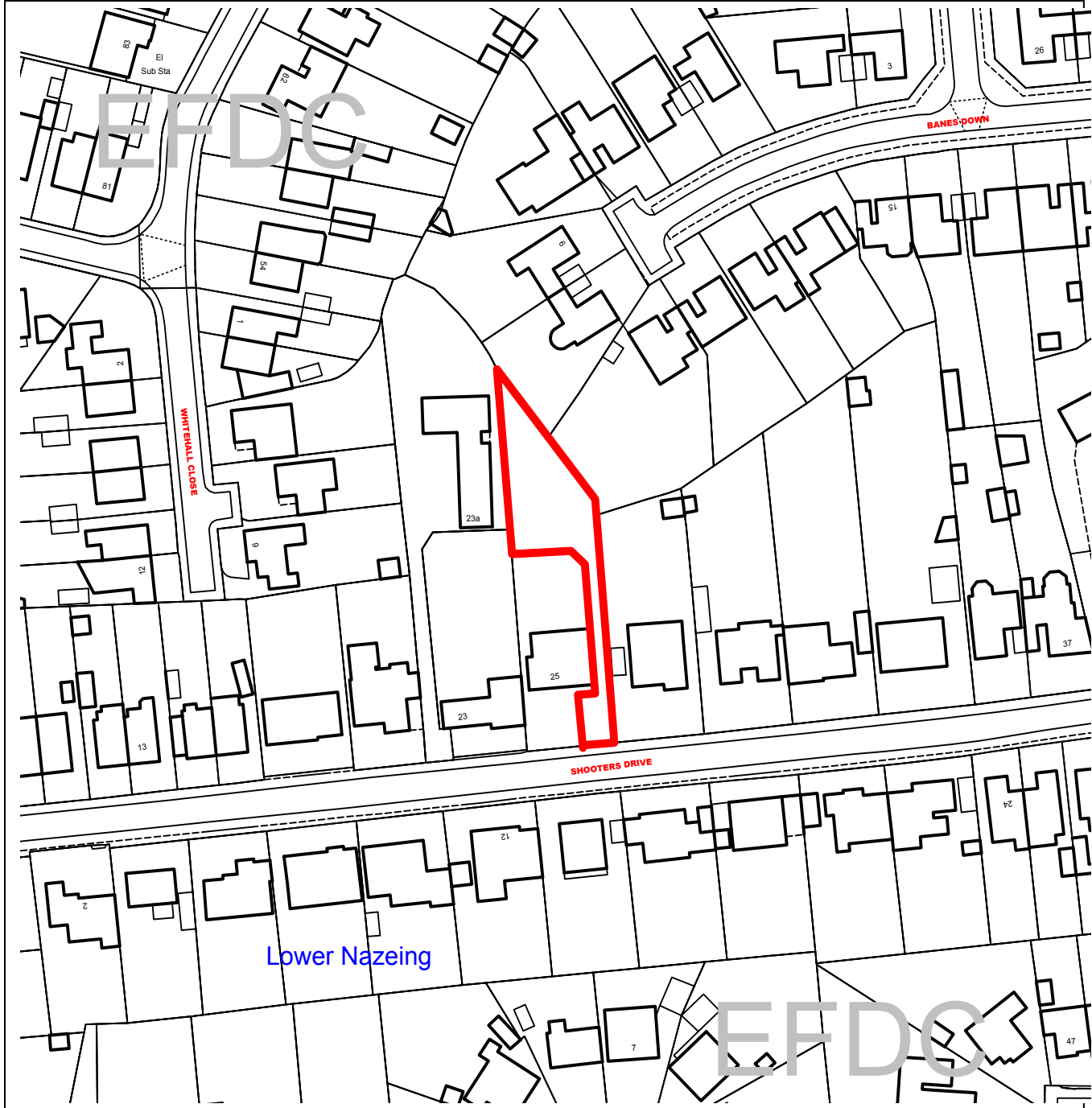
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Epping Forest District Council

Agenda Item Number 1



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| | |
|---------------------|-------------------------------------|
| Application Number: | EPF/1129/17 |
| Site Name: | 25 Shooters Drive, Nazeing, EN9 2QA |
| Scale of Plot: | 1/1250 |

Report Item No: 1

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1129/17 |
| SITE ADDRESS: | 25 Shooters Drive Nazeing Essex EN9 2QA |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr William Perrin |
| DESCRIPTION OF PROPOSAL: | New self build passive home. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=593843

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: SH0-C July 2017, SH1-0c July 2017, SH2-0-C, letter dated 17 July 2017, S.H.3 Nove 2016, Block Plan S.H.O.B, Photography March 2017, Location Plan, Tim Moya Arboricultural Report reference 170649-PD-11 July 2017.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C, D and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

7 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 10 Prior to the first occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 13 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall within 3 months be planted at the same place.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application relates to garden land at the rear of 25 Shooters Drive which is to be accessed via side drive. The land slopes considerably upwards to the rear. A mature Oak tree within the garden of 11 Banes Down overhangs the application site.

A bungalow has been approved and built (under EPF/0387/94) within the rear garden of the adjoining property at 23 Shooters Drive.

The site is within a residential area which is not listed nor within a conservation area.

Description of Proposal:

Permission is sought for the construction of a 3 bedroomed 'passive' house. It measures a maximum 28.4m deep by 7.7m deep and 4.5m high to the ridge of its hipped roof. The ground floor would provide a garage/store, lounge, kitchen/diner, two bedrooms, bathroom, washroom and circulation space. A wood burner chimney is proposed to be located centrally within the roof.

Materials include Sandtoft Pantiles for the roof and Sadolin Dark Oak stained triple glazed joinery, yellow multi Rudgewick stock brick for the walls and a 2m high garden walling.

Access would be through the eastern side access of the existing property.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

| | |
|--------|---|
| CP1: | Achieving Sustainable Development Objectives |
| CP2: | Protecting the Quality of the Rural and Built Environment |
| CP3: | New Development |
| CP4: | Energy Conservation |
| CP5: | Sustainable Building |
| CP6: | Achieving Sustainable Development Patterns |
| CP7: | Urban Form and Quality |
| DBE1: | Design of New Buildings |
| DBE2 : | Effect on Neighbouring Properties |
| DBE3 : | Design in Urban Areas |
| DBE8 : | Private Amenity Space |
| ST1 : | Location of Development |
| ST4 : | Road Safety |
| ST6 : | Vehicle Parking |
| H2A : | Previously Developed Land |
| H4A : | Dwelling Mix |
| LL10 : | Adequacy of provision for landscape retention |
| LL11 : | Landscaping schemes |

NPPF:

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Draft Local Plan:

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development

H1 – Housing mix and accommodation types
H2 – Affordable housing
T1 – Sustainable transport choices
DM9 – High quality design
DM10 – Housing design and quality
DM 11 – Waste recycling facilities on new developments
DM16 – Sustainable drainage systems
DM18 – On site management of waste water and water supply
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 8
Site notice posted: Yes
Responses received: -

23A Shooters Drive: **Object:** Outlook and light at our property (23A Shooters Drive) will be extremely badly affected. Four windows at 23A face the proposed dwelling; their outlook and light will be lost;

The ground profile at 25 is up to 2 metres above the ground floor level of the southern part of 23A which will exacerbate the loss of outlook and light;

Further, the proposed dwelling sits unreasonably close to the boundary with 23A. At present the boundary is marked with loose hedging which permits light and outlook from 23A. If, contrary to our submissions, any planning permission is approved for 25, it should include a requirement that the hedge is retained.

More generally, the hinterland at 23, 23A, 25 and other neighbouring properties comprises mature planting of shrubs and trees which contributes to an attractive residential landscape. The loss of mature planting inherent in the proposed development is severely detrimental to this landscape. If approved no windows or rooflights shall be installed which face our property. Proposal will be overbearing and therefore should be refused.

10 Banes Down: **Object:** The new proposed property is too close to our boundary; the roofline will block our view and therefore will impact significantly on us.

11 Banes Down: **Object:** Loss of privacy; maximum size of dwelling should be two bedroom only; noise and disturbance as a result of development; impact on large oak tree and proposal would have an adverse impact on existing sewer capacity.

27 Shooters Drive: **Object:** Proposal should be single storey only. The Deposited Plans do not show the fact that the ground rises significantly to the rear of the properties to the north of Shooters Drive. In relation to these the new dwelling will be in an elevated position, so care will need to be taken to make sure that any new dwelling is set low, and nestles into its surroundings. Would you please ensure that datum levels for ground, floor, and overall roof height are present as a Condition to any Approval, and are properly adhered to if and when any work commences on site.

The mature oak tree in close proximity to the development is in good, healthy condition and will need to be protected.

I trust that you are aware of the existence of the Public Main Foul Water Sewer that runs down the eastern flank of the site close to the boundary with number 27 Shooters Drive.

As a result of the site selection for new housing carried out by the Local Plans section of the Council there is no requirement of this development.

14 Shooters Drive: **Object:** Overdevelopment of the site. Impact on street scene; impact on mature trees and adverse impact parking.

PARISH COUNCIL: No objection, subject to the obscure window being installed as necessary.

Main Issues and Considerations:

The issues raised by this proposal are:-

The principle of the development;

The impact of the proposal on the character and appearance of the surrounding area;

The impact on the living conditions of neighbouring residential properties; and

The quality of accommodation proposed;

Principle

The aim of the National Planning Policy Framework (NPPF) is to encourage sustainable development and growth. Sustainable development is that which promotes positive economic, social and environmental outcomes.

Paragraph 14 of the NPPF further dictates that sustainable development is only development which accords with the NPPF. It further requires that the Council should not approve development where inter alia the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 53 of the NPPF requires that the Council should “resist inappropriate development of residential gardens where it would cause harm”. This means the Council can only give favourable recommendations to schemes which are of good design and which provides a good standard of amenity for all existing and future occupiers of the application site and surrounding area.

Five year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 11 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

Sustainability

The house is proposed to be built in accordance with 'Passive Code 5' standards. Features include an air source heat pump serving under floor heating, and fully disabled facilities. The efficient use of energy will help minimise the amount of green house emissions generated by the proposal in accordance with chapter 10 of the NPPF and local policy CP4 of the Local Plan.

Impact on the character and appearance of the area

The proposed dwelling has a scale, design and appearance which are consistent with the property at 23a Shooters Drive. Plans have also been amended so that the building remains single storey and has a height which is 0.5m above what would be allowed under the permitted development limitations of the main property at 25 Shooters Drive if it was built as an ancillary building. The proposal therefore complies with the requirements of policies DBE1, DBE3 and DBE5 of the Local Plan.

Trees

The applicants have submitted a preliminary Arboricultural report at the request of the Tree Officer, the details of which confirmed that it was possible to build a new dwelling as proposed without endangering the health and stability of the Oak tree which overhangs the site. The Trees team are therefore satisfied that subject to further conditions relating to tree protection; hard and soft landscaping and the retention of existing trees, hedges and shrubs the proposal would be acceptable and as such accords with the requirements of policies LL10 and LL11 of the Local Plan.

Quality of resulting residential accommodation

The new dwelling has an acceptable internal size and layout and therefore complies with current standards contained within the Essex Design Guide. Sufficient amenity space has also been provided to accord with the requirements of policy DBE8 of the Local Plan.

Impact on the living conditions of neighbouring residential properties.

Currently there is no boundary treatment between number 23a Shooters Drive and the application site. However all the windows facing the mutual boundary serve non habitable rooms; a 2m fence could be erected by the applicant at any time and this neighbour has no windows within its southern most wall. Plans also indicate that the existing hedgerow will be retained along the remaining boundary of the site and a condition is recommended which removes permitted development right to extend the property or make alterations to the roof including the insertion of roof lights. It is on this basis considered that this neighbour will not be excessively affected by this proposal in terms of light, outlook, privacy or dominance.

The main property at 25 Shooters Drive is 16.2m away from the application property. This distance is considered acceptable by the Essex Design Guide given the proposed house being perpendicular to it, this neighbour still maintaining an adequate sized garden and a condition requiring that there be green screening on the mutual boundary.

10 Banes Down is 17m away from the single storey proposal and will be partially screened from the development by the existing oak tree.

11 Banes Down is 25m away from the proposal and will be partially screened from the proposal by the proposed hedgerow.

Number 27 Shooters Drive is 25m away from the proposal

Given these distances, the single storey nature of the proposed dwelling and the proposed natural screening, it is considered that the proposal will not have an excessive impact on the living conditions of neighbouring properties in terms of light, outlook or privacy. The proposal therefore accords with the requirements of paragraph 17 of the NPPF and policy DBE9 of the Local Plan.

Loss of a private view is not a material planning consideration.

Highways and Parking

The Highways Department raise no objections to the proposal subject to condition as the means of access to the site for vehicles and pedestrians and parking provision are acceptable. The proposal therefore accords with the requirements of policies ST4 and ST6 of the Local Plan.

Flood risk

The site is within an Epping Forest District Council flood risk assessment zone, the development is of a size where it is necessary to avoid generating additional runoff and therefore the Council's Land Drainage engineer has requested a Flood Risk Assessment condition to improve existing surface water runoff and a condition requesting details of surface water drainage in accordance with policy U2B of the Local Plan.

Concerns raised regarding existing sewage blockage problems would be a matter for Thames Water and Building Regulations; therefore is not a material consideration in the determination of this application. An informative is instead suggested which highlights the requirement for consultation with Thames Water in order to ascertain whether their consent would be required in order to carry out the development.

Contaminated Land

The Land Contamination Officer has reviewed the application and has found that the potential land contamination risks are likely to be low, it therefore should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Conclusion:

The proposal will provide a much needed home for local people within an existing urban area of Epping Forest District Council. The Highways Authority is satisfied that the proposal will not excessively impact highway safety or parking provision within the area. Impact on the living conditions of neighbouring occupiers will not be excessive. The new house will have a neutral impact on the character and appearance of this area and will include design features which will minimise the carbon footprint of the dwelling as a result will contribute to energy conservation.

Additional conditions are also recommended to ensure that the proposal will provide adequate measures to prevent any flooding risk within the area. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

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

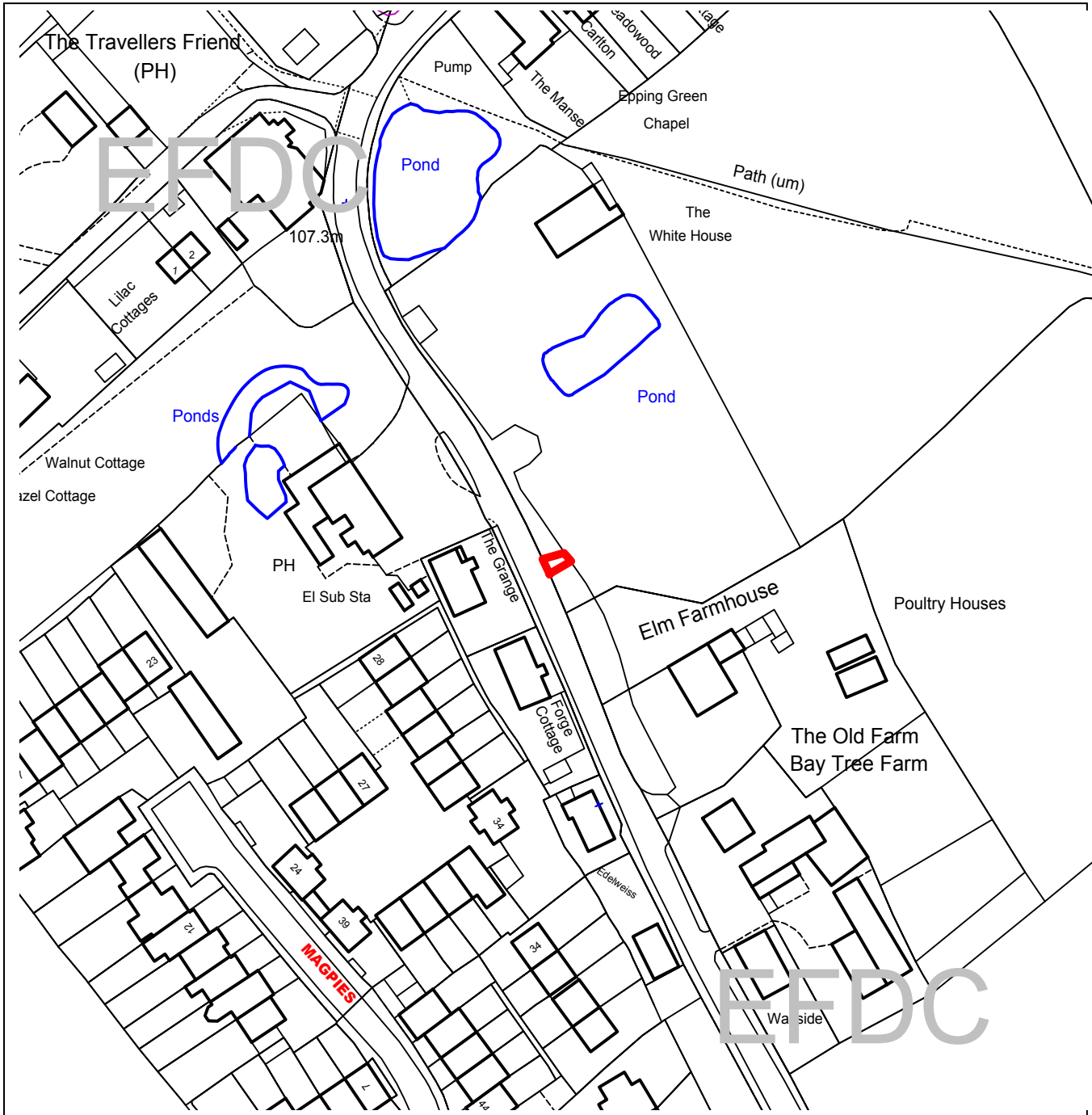
**Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597.**

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Epping Forest District Council

Agenda Item Number 2



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| | |
|---------------------|---|
| Application Number: | EPF/1322/17 |
| Site Name: | Redwood, Epping Road, Epping Upland, CM16 6PU |
| Scale of Plot: | 1/1250 |

Report Item No: 2

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|---------------------------------|--|
| APPLICATION No: | EPF/1322/17 |
| SITE ADDRESS: | Redwood Epping Road Epping Upland Essex CM16 6PU |
| PARISH: | Epping Upland |
| WARD: | Broadley Common, Epping Upland and Nazeing |
| APPLICANT: | M Valente |
| DESCRIPTION OF PROPOSAL: | New crossover/access |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594575

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Plan A (as revised to include the Blue Line), 2966/10 and the proposed Planting Plan
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

The application site is part of the former residential curtilage of The White House that now has (implemented) consent for the erection of two detached dwelling. The site is located on the eastern side of Epping Road within the village of Epping Upland close to the corner junction opposite the Travellers Friend and Cock & Magpie public houses.

Description of Proposal:

Consent is being sought for the installation of a new crossover/access to serve one of the recently erected dwellings (Plot B). The crossover involves the removal of a section of the existing hedge.

Relevant History:

EPO/0484/64 - Erection of two houses – approved/conditions 09/02/65

OUT/EPO/0639/72 - Outline Application for house – approved/conditions 10/10/72

OUT/EPF/1233/80 - Outline Application for one dwelling – refused 06/10/80 (appeal dismissed 10/11/81)

EPF/1499/90 - Erection of detached house – refused 11/01/91

OUT/EPF/1934/01 - Outline application for the erection of a detached house – refused 20/02/02

CLD/EPF/2143/02 - Certificate of lawfulness for use of land as residential curtilage – lawful 24/01/03

OUT/EPF/0910/14 - Outline application for the erection of two detached dwellings with garages within the curtilage of the existing dwelling and ancillary works – approved/conditions (subject to S106 Agreement) 28/08/14

EPF/1640/15 - Erection of two detached dwellings with garages, improved highway access, drives, turning areas and ancillary works – approved/conditions 11/11/15

EPF/2619/16 - Minor material amendment to rear roof dormers details of planning permission

EPF/1640/15 – approved/conditions 15/12/16

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

GB2A – Development in the Green Belt

GB7A – Conspicuous development

LL10 – Adequacy of provision of landscape retention

LL11 – Landscaping schemes

ST4 – Road safety

U2B – Flood risk assessment zones

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP5 – Green Belt and district open land

SP6 – The natural environment, landscape character and green infrastructure

T1 – Sustainable transport choices

DM2 – Landscape character and ancient landscapes

DM15 – Managing and reducing flood risk

Consultation Carried Out and Summary of Representations Received:

7 neighbours were consulted. No Site Notice was required.

PARISH COUNCIL – Objection

- Concern regarding flooding and surface water
- No detail for provision of ditch to be used by pipework – several problems exist in the area due to the blocking of watercourses and pipework
- Problems with visibility splay
- Recent accident on the corner and a number of accidents on the same corner in past years
- Effect on landscaping – trees and hedges were removed from the site before the build began contrary to conditions on the original planning approval.

A re-consultation was undertaken on the application due to the alteration of the Location Plan (through the provision of a Blue Line indicating other land within the applicant's ownership). The following additional comments were received following this re-consultation.

Councillors have reconsidered the application in light of the additional information and still have concerns, not least safety, and therefore confirm the objection on the following basis

–

A major concern remains regarding the speed of vehicles on the bend as there would be 3 properties using 2 accesses. Although it is correct to say that the speed limit on that road is 30mph, the reality is that most vehicles travel at far in excess of 30mph and there have been a number of accidents/incidents. Indeed it is understood that it was as a result of excess speed that a vehicle crashed into the builder's protective fencing at the place for the new access.

There is still no information as to how the water will be dealt with in terms of potential flooding, surface water and ditches for pipework. As previously stated there are several problems in the area due to the blocking of watercourses and pipework over time and the Council would not want this to be perpetuated with remedial works having to be carried out in the future to the inconvenience of the new residents as a minimum. The pavement/road opposite in front of the Cock & Magpie is invariably flooded when there is any rain and should it freeze is quite hazardous particularly on foot, as is the road in front of the Travellers Friend where the pond is liable to flood over the road.

As to the landscaping that is not contested but the concern is how will that be enforced? To repeat, trees and hedges were removed from the site before the build began contrary to conditions on the original planning approval. These properties have had a major impact on the setting and street scene both at the front and the rear affecting the openness of the Green Belt. The Council is concerned that while this is the Village's main road it is in a rural area and the setting was to have been ameliorated by the landscaping.

Issues and Considerations:

The application is purely for the provision of a new access road to serve one of the recently erected new dwellings. Since this is the only alteration to the previously approved development this is the only matter under consideration.

Highways:

The key consideration with regards to the proposed new access is regarding the impact on highway safety and the free flow of traffic using Epping Road. Essex County Council Highways were consulted on this application and have responded as follows:

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies ST4 & ST6 of the Local Plan.

The main reason for this is because the proposed new access has more than appropriate visibility splays for the speed of the road.

Landscaping:

Despite initial concerns about the loss of the section of hedging and potential to compensate by way of adding to the remaining hedge additional information and clarification has been received regarding the ownership of the front landscaping.

The retention and management of the elms will assist in providing a mature look to the frontage and full details for the gapping up proposal (i.e. species mix, planting densities and sizes) would be required to ensure that the section of hedge removal is adequately compensated.

It should be noted that the Council would not wish to see any fencing or walls along the front boundary, simply hedges and trees.

Green Belt:

Consent has already been granted for the erection of the two recently erected dwellings and the proposed additional crossover would have no greater impact on the openness of the Green Belt than the existing development.

Drainage:

The proposed new vehicle crossover would require the crossing/possible culverting of the existing drainage ditch. This would require Land Drainage consent and is separate from this planning

assessment. It has been confirmed from Land Drainage that the applicant has already approached them in order to obtain this consent.

Conclusion:

The proposed new vehicular access would not cause any detrimental impact on highway safety or the free flow of traffic on the highway, would not be unduly detrimental to the existing and proposed landscaping, and would not affect the openness of the Green Belt. As such the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore recommended for approval.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



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|---------------------|---|
| Application Number: | EPF/1418/17 |
| Site Name: | Cressage (now known as Lady Oak House), Low Hill Road, Roydon, CM19 5JN |
| Scale of Plot: | 1/1250 |

Report Item No: 3

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1418/17 |
| SITE ADDRESS: | Cressage (now known as Lady Oak House) Low Hill Road Roydon Essex CM19 5JN |
| PARISH: | Roydon |
| WARD: | Roydon |
| APPLICANT: | Smith Homes 10 LTD |
| DESCRIPTION OF PROPOSAL: | Application for a minor material amendment to planning application EPF/2888/16 (Resiting of previously approved position of new dwelling) to enable a single storey side extension to allow for a swimming pool. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594860

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1244 001, 1244 002 (as revised), 1244 003 (as revised), 1244 004, 1244 005, 1244 006 (as revised)
- 2 Materials to be used for the external finishes of the proposed development shall match those agreed by approval of details reserved by condition application EPF/0884/15, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been

submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 The surface materials for the new access shall be as agreed by approval of details reserved by condition application EPF/0884/15 and shall be completed prior to the first occupation of the development.
- 8 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 10 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 11 Prior to the commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained thereafter.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The subject site is part of the original garden to Red Roofs on the eastern side of Low Hill Road. The site is located within the Metropolitan Green Belt and is heavily vegetated with several trees, none of which are covered by Tree Preservation Orders. The site has now been separated off from Red Roofs and works have started on site.

Description of Proposal:

A minor material amendment is being sought to the original approval EPF/2888/16, which granted consent for the erection of a detached dwelling within the side garden of Red Roofs, Low Hill Road, Roydon (original consent EPF/2679/13).

The proposed amendment would be to provide an additional single storey side extension to allow for a covered swimming pool and associated facilities. It would measure 4.9m in width and 18.6m in depth (extending 7.4m beyond the rear wall of the approved dwelling) with a pitched roof to a ridge height of 4.7m.

Relevant History:

EPF/1228/09 - Erection of a detached house and formation of new vehicular access – approved/conditions 02/09/09

EPF/2247/09 - Erection of detached garage with storage/play room above – approved/conditions 18/01/10

EPF/0750/11 - Removal of a detached house and the erection of a replacement detached house and formation of a new vehicular access – approved/conditions 01/06/11

EPF/0255/13 - Erection of garage (revised application) – approved/conditions 02/04/13

EPF/1801/13 - Raising of roof to create additional bedroom and bathrooms – approved/conditions 28/10/13

EPF/2679/13 - Erection of detached dwelling (Amended application to EPF/1228/09) – approved/conditions 11/02/14

NMA/EPF/0680/16 - Non material amendment to EPF/0255/13 (Erection of garage -revised application) – approved 15/04/16

EPF/0681/16 - Part residential use of the Coach House annexed to Cressage – approved/conditions 20/05/16

EPF/2872/16 - Application for variation of condition 2 'plans numbers' and 7 'tree protection' on planning application EPF/2679/13 (Erection of detached dwelling (Amended application to EPF/1228/09)) in order to allow for the removal of T11 – approved/conditions 21/12/16
EPF/2888/16 - Resiting of previously approved position of new dwelling (Prev. Ref. EPF/2679/13) – approved/conditions 23/12/1

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of amenity
LL3 – Edge of settlement
LL10 – Adequacy of provision of landscape retention
LL11 – Landscaping schemes

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development
SP6 – The natural environment, landscape character and green infrastructure
SP5 – Green Belt and district open land
SP6 – The natural environment, landscape character and green infrastructure
T1 – Sustainable transport choices
DM2 – Landscape character and ancient landscapes
DM9 – High quality design

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

16 neighbouring residents were consulted and re-consulted following revised plans. No Site Notice was required.

PARISH COUNCIL – No objections. The Parish Council had concerns about the swimming pool being too near the property boundary but we understand that the plans have been amended to show the pool further away from the boundary. If this is the case then the Parish Council would have no objections.

RED ROOF/OAKLAND & LOW HILL HOUSE, LOW HILL ROAD – Object as this contributes to the over development of the site, is contrary to Green Belt policy, a loss of light, since a number of trees have already been removed on the site, and due to the size of the proposed building.

Main Issues and Considerations:

This proposed amendment is to allow the erection of a single storey side extension to the previously approved new dwelling. Since the proposed extension is the only alteration over and above the previously approved new dwelling the only considerations are the impact on the Green Belt, neighbouring amenities, and regarding design as a result of the proposed extension.

Green Belt:

Paragraph 89 of the National Planning Policy Framework states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”, with a list of exceptions. The original dwelling was considered to be appropriate in this location since it complied with the following exception to inappropriate development as laid out within paragraph 89 of the NPPF:

- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.*

Unlike other exceptions to inappropriate development the limited infilling in villages is not caveated by any assessment regarding ‘impact on openness’. As such the only consideration regarding the Green Belt is whether the amended proposal continues to constitute a ‘limited infill’.

The provision of the single storey extension would not render the proposal inappropriate within the Green Belt since it would continue to constitute a limited infill.

Neighbouring amenities:

The originally submitted proposal was for a wider extension that was, in part, immediately adjacent to the shared boundary with Red Roofs (the donor property to this site). Given the proximity of the proposed extension and the depth of addition there were some concerns about its impact on the amenities of the neighbour (which were also raised by the neighbouring residents).

Following discussions with the applicant’s agent the proposed development was revised such that the new extension would encroach no closer than 1.8m from the shared boundary with Red Roofs. Given its single storey nature and the distance between the proposed extension and the neighbouring dwellings itself (in excess of 15m) it is not considered that the revised proposal would be unduly detriment to the amenities of the neighbouring residents.

Design:

The revised proposal has been redesigned so that it has a pitched roof more in keeping with that of the originally approved dwelling. This, combined with the moderate width of the extension, would ensure that the addition would be in keeping with the overall appearance of the originally approved dwelling.

The proposed side addition would be stepped back from the front elevation of the dwelling and situated beyond a detached garage/outbuilding and as such the proposed extension would not be particularly visible within the street scene.

Concern has been raised about the overdevelopment of the site due to the overall scale and height of the approved dwelling and the presence of the detached outbuilding (currently under construction). Since these elements of the development have already been granted planning consent they are not under consideration in this assessment.

The provision of a single storey side extension, although large, would not be to such a scale on this particular plot to appear cramped. There is sufficient space within the site to provide adequate private amenity space and off-street parking provision and other large properties can be seen within Low Hill Road. As such it is not considered that the proposed amendment would render the scheme an 'overdevelopment'.

Conclusion:

The proposed minor material amendment to add an additional single storey side projection on the previously approved dwelling would not cause any greater harm to the openness of the Green Belt, the amenities of neighbours, or the character and appearance of the area. Therefore the amended application continues to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

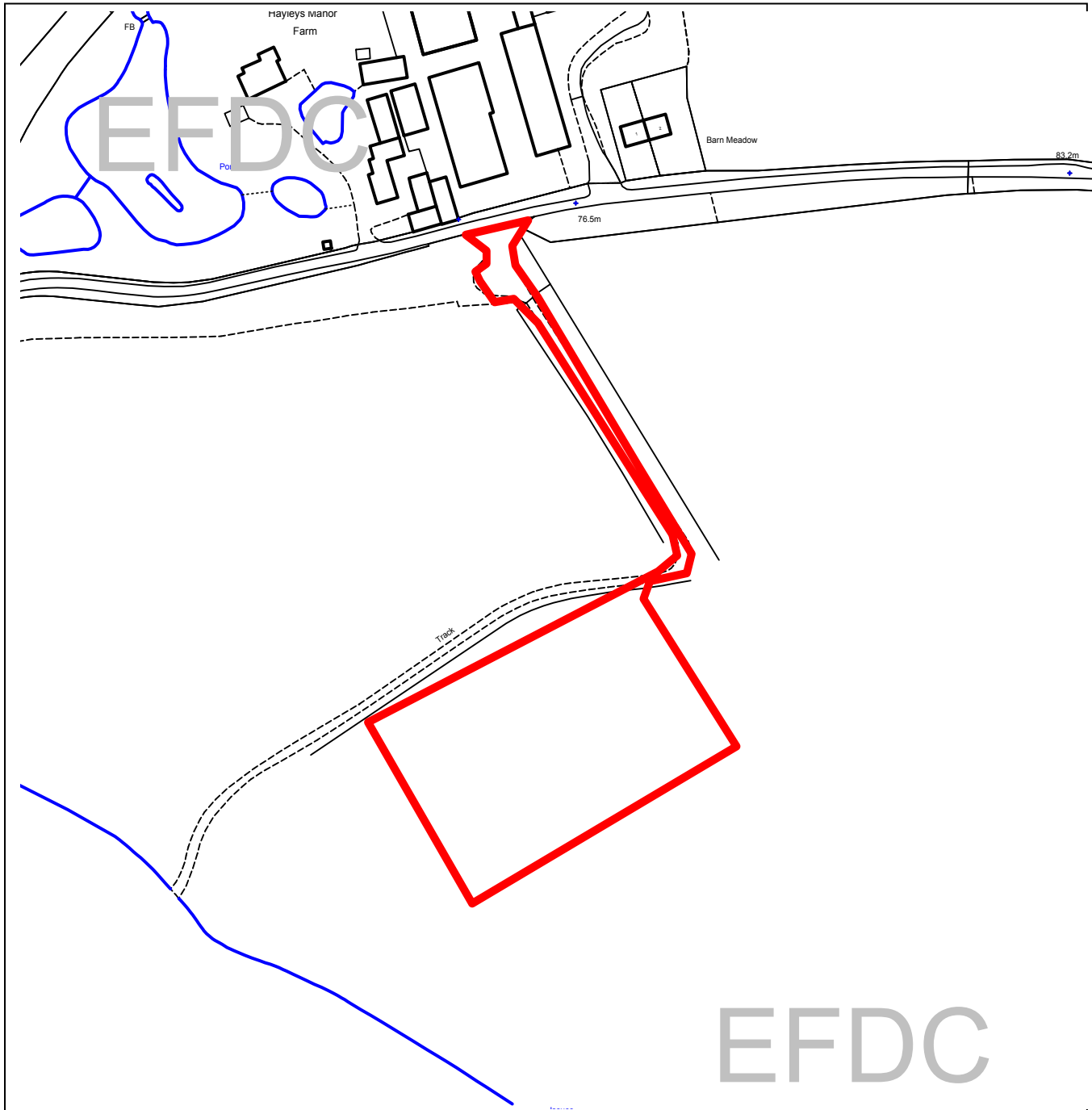
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 4



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| | |
|---------------------|--|
| Application Number: | EPF/1436/17 |
| Site Name: | The Estate Office, Hayleys Manor, Upland Road, Epping, CM16 6PQ |
| Scale of Plot: | 1/2500 |

Report Item No: 4

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/1436/17 |
| SITE ADDRESS: | The Estate Office Hayleys Manor Upland Road Epping Essex CM16 6PQ |
| PARISH: | Epping Upland |
| WARD: | Broadley Common, Epping Upland and Nazeing |
| APPLICANT: | Mr Parrish |
| DESCRIPTION OF PROPOSAL: | Excavation and installation of biofertiliser lagoon and 1.8m safety fence in agricultural field to the south of Hayleys Manor Farm, Upland Road, Epping. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=595013

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
EC030d-10 V2.0
EC030d-11 V2.0
EC030d-12 V2.0
EC030d-14 V2.0
EC030d-15 V2.0
- 3 No development shall take place until drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 The development hereby approved shall be carried out and operated in accordance with the Odour Management Plan (July 2017) and Accident Management Plan (July 2017).

- 5 The safety fencing hereby approved shall be finished in a green colour and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
- 6 Prior to commencement of the development the visibility splays to the east and west of the access shall be improved and then maintained as such thereafter, as stated in the Design & Access Statement: Addendum 1.
- 7 No unbound material shall be used in the surface treatment of the vehicular access within 10 metres of the edge of the carriageway of Upland Road.
- 8 The biofertiliser lagoon hereby approved shall only be used for agricultural purposes in connection with Hayleys Manor Farm.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Proposal:

Consent is being sought for the excavation and installation of a biofertiliser lagoon and a 1.8m high safety fence in an agricultural field.

The proposed storage lagoon would have a 10,000m³ capacity and would be lined and covered and would hold biofertiliser. The biofertiliser is the result of anaerobic digestion, which is a natural process whereby microbes break down biodegradable materials (such as food waste, livestock slurries or left over crop) in the absence of oxygen.

Anaerobic digestion is a proven reliable and environmentally friendly biological process that provides a biofertiliser, which is stated as “*a valuable source of crop nutrients, rich in nitrogen, and providing potash, phosphate and trace elements vital in crop production*”.

Description of Site:

The application site is part of an existing agricultural field to the south of Upland Road and Hayleys Manor farmyard, which now contains some commercial B8 (Storage and Distribution). To the east of the site are residential properties (including two listed buildings – Currance Lodge and Currance House) and beyond this is the settlement of Thornwood. To the west are two residential dwellings known as 1 & 2 Hayleys Manor Cottages. There are two other residential dwellings to the north of the site (1 & 2 Barn meadow) that are owned by the applicant.

There is an existing access point from Upland Road that would serve the new lagoon. The application site is part of a much larger farm holding and is located within the Metropolitan Green Belt and an EFDC flood risk assessment zone.

Relevant History:

There are several previous planning applications relating to the wider farm but none directly relevant to this proposal.

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 – Sustainable building
GB2A – Development in the Green Belt
GB11 – Agricultural buildings
NC4 – Protection of established habitat
RP3 – Water quality
RP4 – Contaminated land
RP5A – Adverse environmental impacts
U2B – Flood risk assessment zones
DBE9 – Loss of amenity
LL1 – Rural landscape
LL4 – Agricultural/forestry-related development
ST1 – Location of development
ST4 – Road safety

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development
SP5 – Green Belt and district open land
SP6 – The natural environment, landscape character and green infrastructure
E3 – Food production and glasshouses
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM15 – Managing and reducing flood risk
DM18 – On site management of waste water and water supply
DM20 – Low carbon and renewable energy
DM21 – Local environmental impacts, pollution and land contamination

Consultation Carried Out and Summary of Representations Received:

7 neighbouring properties were consulted and a Site Notice was displayed.

EPPING UPLAND PARISH COUNCIL – 3 comments received as follows:

03/08/17 - Epping Upland Parish Council still objects to this application –

1. There appears to be an underestimate in the distance to the nearest dwelling: it would therefore be too close to the residential properties.
2. Would be visible from a public footpath contrary to that stated in the application: would therefore affect the openness of the Green Belt and encroaches on the countryside.
3. Concern regarding traffic movements. Should the application be granted would ask for a condition that no vehicles go through the village of Epping Green or along Upland Road/Epping Road to the east of the site looking in from Upland Road i.e. not back into Epping Upland, as the size and capacity of the roads could not cope e.g. small bridge and right angle bends, and the effect on other road users and residents; only to use Upland Road west of the site looking in from Upland Road to the B1393 with consideration for residents of Upland Road.
4. Concern as to the potential future use of the contents of the lagoon: if not used/required on the farm's fields it could be sold for use elsewhere including export, causing further negative impact on neighbouring residential properties, roads and the countryside.

26/07/17 - Councillors only concern remaining is the number of traffic movements and impact on the local roads. On that basis the Council would ask for a condition that no vehicles go through the village of Epping Green or along Upland Road/Epping Road to the [west] ie back into Epping Upland, as the size and capacity of the roads could not cope and the effect on other road users and residents; only to use Upland Road east to the B1393 with consideration for residents of Upland Road.

03/07/17 - Objection:

1. Concern regarding safety and security – height of fence; would suggest there should be a buffer zone around site; responsibility for site eg locking of gates
2. Concern regarding drainage due to the slope of the land
3. Concern regarding traffic movements
4. There appears to be an underestimate in the distance to the nearest dwelling
5. Would be visible from a public footpath contrary to that stated in the application]

No objection in principle to the idea

NAZEING PARISH COUNCIL – Have concerns regarding the application as it will affect the residents who live in Thornwood Common. Large vehicles will use Upland Road as main access route and this will be the main 'local' route for all the vehicles. The road already suffers from many speeding issues and is used as a rat run/cut through. It is not suitable for the numbers and weight of vehicles that are proposed. More information is needed as to whether this will reduce or heavily increase the volume or type of vehicles accessing the site for this proposal before planning approval is given.

TAKELEY MANOR, UPLAND ROAD – Object as the lagoon will be visible within the wider landscape, would contrast with the surrounding countryside, and is not typical of the agricultural landscape in this area. The proposed development would have a detrimental environmental impact on the surrounding area and its residents as a result of odour, noise, flooding, etc. Other biofertiliser lagoons elsewhere in the Country have resulted in high levels of complaints from surrounding residents. The development would result in a significant increase in HGV movements from both the filling of the lagoon and the possible spreading of the biofertiliser across the applicants land. Concerned that the biofertiliser may be transported out of the locality and therefore would render the development a commercial process rather than an agricultural one. The route to and from the site is not considered to be suitable and it is not considered that the proposal would conserve or enhance the natural environment.

ECC CLLR JACKSON (CURRANCE HOUSE, UPLAND ROAD) – In principle in favour of this kind of process however concerns raised by his constituents are as follows:

- Impact on the Green Belt;
- Possible impact from odour nuisance;
- Traffic concerns; and
- Possible fire hazard from methane gas

There are suggestions for restrictions on the type of waste used in the anaerobic digester and on the routing taken by lorries.

CURRANCE HOUSE, UPLAND ROAD - In principle in favour of this kind of process however has following concerns:

- The waste delivered is a product and therefore this would be a commercial use within the Green Belt;
- Feel that there should be a condition stipulating where the waste comes from;
- Concerned about the number of HGV movements;
- Concerned about air pollution from the development and the traffic it will generate; and
- Queries regarding the consultees of the application.

CURRANCE LODGE, UPLAND ROAD – Object as the development would be unsightly, due to the increase in traffic and the impact this has on both highway safety and their property (which has previously suffered damage from lorries using Upland Road), and they are not convinced by the green credentials or estimated traffic movements.

2 HAYLEYS MANOR COTTAGES, UPLAND ROAD – Object due to increased traffic, potential odour nuisance and the visual impact.

ELMHURST, 37 UPLAND ROAD – Object due to the extra lorries that would result from the development and concerned about the impact that the fencing would have on the open countryside.

MARLES FARM COTTAGE, UPLAND ROAD – Object as the development would have a significantly harmful impact on the rural character of the road, would result in increased traffic on Upland Road and the B1393, and since this would attract vermin (including seagulls) due to general odour and minor spillage.

ELM COTTAGE, UPLAND ROAD – Object due to potential for odour nuisance, vermin and extra traffic.

CRABBS GREEN HOUSE, UPLAND ROAD – Object due to increased traffic concerns.

THE SPINNEY, UPLAND ROAD – Object due to potential for odour nuisance, noise and increased traffic. Also concerned about flooding and health implications.

WALTON MANOR, UPLAND ROAD – Object due to increased traffic, since this is intended for commercial purposes and could result in even further development, it would attract vermin, and it would be unsuitable to this area.

HILLTOP COTTAGE – Object due to the increase in traffic, the potential odour nuisance, and due to increased vermin.

53 UPLAND ROAD – Object due to the increase traffic, smell and vermin.

61 UPLAND ROAD – Object due to the increase traffic, smell and vermin.

1 PINCH TIMBER COTTAGES – Object due to the increase in traffic.

PINCH TIMBER FARMHOUSE, UPLAND ROAD – Object due to smell and traffic concerns.

BURY FARMHOUSE, BURY LANE – Object due to the impact on the countryside.

175A LINDSAY STREET – Object due to highway safety concerns, odour and vermin.

195 LINDSAY STREET – Object. Whilst no objection in principle it has not been demonstrated that there would not be a detrimental impact on residents due to odour nuisance and any leaks could pollute the environment.

NO ADDRESS GIVEN – Wishes to be satisfied that there would be no additional HGV traffic using Upland Road than there currently is and that there would be no odour nuisance to surrounding residents.

NO ADDRESS GIVEN – Object as it will bring more lorries down Upland Road and will bring smells and vermin.

NO ADDRESS GIVEN – Object as it would result in more traffic and bad smells.

Issues and Considerations:

This application is for the installation of a biofertiliser lagoon and necessary safety fencing on an area of agricultural field within the Metropolitan Green Belt. The key considerations in this application are the impact on the Green Belt, traffic concerns, the potential impact on neighbour amenities, regarding the design and wider landscape setting, and with regards to environmental impacts.

Green Belt:

The submitted Design and Access Statement makes it clear that “*the lagoon will be constructed on land owned by the applicant enabling the business to store and use biofertiliser for agricultural purposes on their land*”. It goes on to state:

The lagoon will enable the applicant to meet Good Agricultural Practice, maximising the benefits gained from using biofertiliser whilst meeting statutory regulation requirements. The lagoon enables biofertiliser to be stored during the autumn and winter period during the ‘closed period’ for spreading high readily available nitrogen organic manures under NVZ rules. During the open spreading season, biofertiliser will be used to meet the growing crops needs. The biofertiliser should only be applied when soil conditions are appropriate. Storage within the lagoon provides flexibility so that the material can be spread at the correct time in the correct way, avoiding potential damage to soils. The working capacity of the lagoon allows for up to nine months’ storage so there would be sufficient quantities of biofertiliser to use correctly on the applicant’s land.

It is accepted that anaerobic digestion is a more environmentally friendly and acceptable way to produce fertiliser and, given the wider farmstead to which the site is located, there is little doubt that the biofertiliser stored within this lagoon would be utilised for agricultural purposes.

There are some concerns from surrounding residents that the biofertiliser stored here would be delivered to other parts of the wider farm (and possibly could be supplied to other land owners) and queries as to whether this would render the proposal as commercial development rather than an agricultural one. The process of delivering the biofertiliser to other parts of the applicant’s farm, which is sizeable, would not render the development a commercial processing use. However selling the biofertiliser to third parties may cause the proposal to be classed as a commercial

enterprise, however there is no suggestion that this would take place (and any future change of use would require additional planning consent).

Paragraph 89 of the NPPF states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt” and provides a list of exceptions, which includes:

- buildings for agriculture and forestry;

Whilst the proposed development would not strictly constitute a ‘building’ it is considered relevant to highlight this exception. Furthermore it should be noted that *the court of appeal judgment R (Lee Valley Regional Park Authority) v Epping Forest DC and Valley Grown Nurseries Ltd [2016]* it was made clear that agricultural buildings cannot be regarded as harmful either to the openness or the purposes of including land within the Green Belt, as can be seen below:

17. I think it is quite clear that “buildings for agriculture and forestry”, and other development that is not “inappropriate” in the Green Belt, are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. This understanding of the policy in the first sentence of paragraph 88 does not require one to read into it any additional words. It simply requires the policy to be construed objectively in its full context – the conventional approach to the interpretation of policy, as the Supreme Court confirmed in Tesco v Dundee City Council.

With regards to the size of any proposed agricultural buildings, the judgment makes it clear that this is not a consideration with regards to harm to the Green Belt, as can be seen below:

19. The category of exception in paragraph 89 with which we are concerned, “buildings for agriculture and forestry”, is entirely unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt, and regardless of their size and location. Each of the other five categories is subject to some proviso, qualification or limit. Two of them – the second, relating to the “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries”, and the sixth, relating to the “limited infilling or the ... redevelopment of previously developed sites ...” – are qualified by reference both to “the openness of the Green Belt” and to the “purposes of including land within it”. The five categories of development specified in paragraph 90 are all subject to the general proviso that “they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt”.

In addition to the above, paragraph 90 of the NPPF states that “certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”. These include:

- Engineering operations.

The proposed development would clearly constitute an engineering operation. Therefore the key consideration would be whether the proposal would ‘preserve the openness’ or ‘conflict with the purposes of including land in the Green Belt’.

Whilst this would be a significant sized development measuring a distance of 75m x 88m (between the proposed fencing) the lagoon would be largely below ground with just part of the lagoon being bounded by a maximum 2m high bund. The lagoon would be covered and this would have some visual impact similar to the installation of hardstanding, however these works would not necessarily have an ‘urbanising effect’ and the impact on openness as a result of this would be minimal.

The greatest impact on openness as a result of the proposal would be from the erection of a 1.8m high safety fence surrounding the lagoon. Although this would have some impact on openness

since it would act to enclose this currently open parcel of land Class A of Part 2 of Schedule 2 of the GPDO would allow for the erection of a 2m high enclosure on the land without the need for planning permission. As such it is not considered that this would be unduly detrimental to the openness and purposes of the Green Belt.

Due to the above the proposal would not constitute inappropriate development harmful to the Green Belt, particularly since the proposed lagoon would be used for agricultural purposes.

Highways:

The proposed development would utilise an existing access from Upland Road onto the field. One of the key concerns raised by surrounding residents is regarding the increased traffic, and in particular HGV's, that would result from the proposed development.

Following initial requests from Essex County Council Highways additional Vehicle Movement and Access information was submitted (and a re-consultation undertaken). This clarifies the following:

The working capacity of the Lagoon is 10,220m³ working capacity allowing for a 0.75m freeboard. This provides up to nine months' storage so there will be sufficient quantities of Biofertiliser to use correctly on the Applicant's land whilst meeting statutory requirements. The Lagoon enables Biofertiliser to be stored during the autumn and winter period when the farm is closed to spreading under Nitrate Vulnerable Zones.

Once construction is completed, the Applicant will begin filling the Lagoon. Typically deliveries will be made using HGV artc tankers with 29m³ holding capacity. To fill the Lagoon to working capacity will take 352 deliveries, which averages between six to seven deliveries per week over a year.

Based on current nutrient management plans, drawn up in early 2017, the immediate requirement of Biofertiliser is anticipated to be 7,781m³. This may vary year to year depending on the type of crops grown and nutrient requirements. If this amount of biofertiliser is required immediately following the closed period, 268 deliveries will need to be made during the closed period, around 25 weeks. This equates to between 10 and 11 deliveries per week.

With regards to the construction of the lagoon the vehicle movements have been described as follows:

The volume of earth spoil removed to form the Lagoon will be approximately 12,500 tonnes. Around 6,240 tonnes will be used to form the earth banks and contouring to blend with the gradient of surrounding land.

The remaining 6,260 tonnes of spoil will be removed from site using bulk tipper lorries with a maximum load weight of 29 tonnes. Construction is expected to take between five and seven days, with around 24 to 37 vehicle movements per day leaving the site. Construction personnel and vehicles would follow HSG144 (The safe use of vehicles on construction sites).

All submitted information has been assessed and full consideration has been undertaken by Essex County Council Highways, and it is understood that there have been discussions between the ECC Highways Officer and ECC Councillor Jackson (who resides within close proximity to the site). The response received from ECC is as follows:

The applicant has been very co-operative and has provided additional information and agreed to undertake safety improvements as requested by the Highway Authority. As

stated in the information; the applicant currently has the fertiliser delivered for spreading which would involve a more intensive HGV use, and which would fall under the existing agricultural use. Given the level of use by HGV's to maintain the lagoon and its operation after construction, it is not considered that the vehicle movements will be detrimental to highway safety and will only have a negligible impact on the highway network given the current use. Further to this the applicant has agreed that all construction traffic will enter and exit to the east of the site from and to the B1393, and the available visibility will be improved as part of the development.

Consequently the Highway Authority is satisfied that the proposal will not be detrimental to highway safety or efficiency at this location or on the wider highway network.

Given this response it is clear that, despite the concerns of neighbours, the level of HGV traffic that would result from the proposed development would be similar to that which already occurs on the farm. As such it is not considered that there would be any significant additional detrimental impact on highway safety or the free flow of traffic on Epping Road or the surrounding network.

It has been requested that some form of restriction is imposed on the site to ensure that HGV's only approach/leave the site to the east by way of the B1393 (and the M11 motorway) to protect against lorries approaching the site from the west through Epping Upland and the more winding, narrow section of Upland Road.

Any such control would need to be achieved by way of a legal agreement rather than by condition however no such restriction has been suggested by Essex County Council Highways and therefore it is not considered that this restriction is necessary.

It is understood that there is a weight limit on the road at present, which anecdotally appears to often be breached. Nonetheless this matter is an Essex County Council Enforcement issue and not a material planning consideration in this application.

Neighbour amenities:

The proposed development would be situated 176m from 1 & 2 Barn Meadows, which are owned by the applicant, 267m from 1 Hayleys Manor Cottage (which despite that stated in the submission is the closest residential property outside of the applicants ownership), and 400m from Currance Lodge.

The key concerns from neighbours with regards to amenity considerations are odour nuisance and the possibility of vermin being attracted to the site.

The applicant has submitted an Odour Management Plan, along with further information on the proposal. The submitted Design and Access Statement clarifies the following:

Any potential risk of odour from Biofertiliser being released into the atmosphere from filling, storage, emptying and land spreading operations has been mitigated by the proposed methods. The Applicant proposes fitting a floating cover to maximise storage potential, eliminate rain water ingress and abate odour emissions. The Lagoon will be filled as needed using tankers, via a sealed system with the Biofertiliser being pumped in and out of the Lagoon via PVC ring pressure pipes and sealed filling and discharge valves. All staff will receive appropriate training in the operation of the Lagoon; primarily the filling and emptying processes; and full safety procedures. There will be a written Environmental Management System for these activities, including an Odour Management Plan and Accident Management procedures.

The main emptying and spreading period will be between February and March when applications will be made to arable crops. Further applications during the year will be determined by crop need, in line with guidelines, grassland will receive digestate during the spring and summer. As mentioned previously, having sufficient storage capacity will enable the business to maximise spreading capacity with more resilience to cope with extreme or adverse weather conditions or prevailing winds, further minimising any potential risk of odour emissions and negate the need for concentrated lorry movements on local roads at this time.

Direct precision application techniques enhance the use of Biofertiliser and ensure a greater proportion of nutrients can be used by the crop. They also help to ensure timely, accurate and targeted application, recording how much Biofertiliser is applied and where. Additionally, precision application reduces the potential for ammonia losses to the atmosphere.

The Odour Management Plan explains that pasteurisation kills many of the microbes responsible for biogas production and it has been confirmed that the lagoon would be fitted by a floating cover with an exhaust ventilation system that would ensure that any potential odour is analogous to current background agricultural odours.

The waste would arrive by tanker and will be off-loaded directly through a hose and into the lagoon, therefore minimising the opportunity for odour release. The Management Plan confirms that there will be checks for odour at various points around the site with appropriate action to be taken to resolve the situation in the event of a problem.

An Accident Management Plan has also been submitted to clarify the measures that would be in place to prevent any accidents and to outline the measures in place should an accident happen. This includes any spillage of waste.

The application has been assessed by an EFDC Environmental Health Officer who has confirmed that they have no concerns about the proposed development due to the presence of a vented cover and the provision of an odour management plan and accident procedures. However they do require that the development takes place in accordance with the information provided. These measures would prevent any detrimental impact to surrounding residents as a result of odour nuisance and would protect against the attraction of vermin.

The Environmental Health Officer has also clarified that, in the event that odour from the site does cause a problem to local residents, this can be addressed using the Environmental Protection Act 1990.

Landscape setting:

As highlighted above the visual impact from the proposed development would be limited since the lagoon would be largely below ground, with the most visually prominent aspect being the safety fencing. Since this could be erected without planning consent it is not considered that the presence of the fencing would be unacceptable. The proposed fencing would be finished in a green colour to assist in it blending with the wider landscape, which can be conditioned.

Whilst the proposed lagoon would introduced a slightly alien feature to this existing farmyard and wider countryside setting the presence of such anaerobic digestion systems are becoming more commonplace (much akin to renewable energy developments such as wind turbines) and therefore may soon be more accepted features within the landscape given their environmental benefits.

Other material considerations:

Comments were sought from the Environment Agency with regards to the proposed development. No objection was raised, however it was highlighted that the applicant may require an Environmental Permit from the EA under the Environmental Permitting (England and Wales) Regulations 2010.

EFDC Land Drainage have raised no objection to the proposal, subject to a condition requiring drainage details to be approved.

No objection has been raised by the Councils ecological consultant and no conditions required.

Concern has been raised by the occupant of Currance Lodge, which is a listed building located within close proximity to Upland Road, with regards to the potential damage that may occur to their property as a result of the additional HGV movements. Evidence has been submitted showing previous damage that has occurred. Whilst this neighbouring property is a listed building and its protection and maintenance is a material planning consideration, this would not include any damage that results from vehicles using the public highway. It is clear that these problems already occur and there is no evidence to suggest that any additional incidents would happen as a result of the development. Furthermore, any such incidents are private matters between the occupier of the property and the driver of the vehicle damaging the building. Any continued damage from the general use of the road would be dealt with by Essex County Council as the local highways authority.

Conclusion:

The proposed development would be largely below ground and would be utilised for agricultural purposes. The key element that would impact on the openness of the Green Belt would be the safety fencing that could be erected without the need for planning permission. As such it is considered that the proposal would not constitute inappropriate development within the Green Belt.

The visual impact as a result of the lagoon would be moderate, particularly since the fencing could be erected to this height without the need for planning consent. The proposal has been assessed by Essex County Council, Environmental Health, the Environment Agency and all other relevant consultees and it has been concluded that there would be no detrimental impact on highway safety and the free flow of traffic, odour or vermin nuisance, environmental or flooding, or any other material considerations. Therefore it is considered that the development complies with the relevant Government guidance and Local Plan policies and is recommended for approval.

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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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