

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 9th March, 2022

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

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 9th March, 2022
at 7.00 pm.**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer:**

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

Members:

Councillors P Keska (Chairman), H Brady (Vice-Chairman), R Balcombe, N Bedford, P Bolton, L Burrows, I Hadley, S Jones, C McCredie, J McIvor, R Morgan, J Philip, B Rolfe, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

WEBCASTING/FILMING NOTICE

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

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

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

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

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

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 9 February 2022.

4. 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/>

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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

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

This briefing note, dated October 2021, has been produced by the Planning Policy

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

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

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

8. SITE VISITS

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

9. PLANNING APPLICATION - EPF/2818/21 14 KNIGHTS WALK, LAMBOURNE, ROMFORD RM4 1DR (Pages 17 - 22)

To consider the attached report for a proposed loft conversion with front and rear dormers, plus a ground floor rear/side extension.

10. PLANNING APPLICATION - EPF/1531/19 LAND ADJACENT THE FOX INN PH, HARLOW ROAD, MATCHING TYE CM17 0QS (Pages 23 - 34)

To consider the attached report on the erection of x 2 no. detached dwellings complete with access, parking, gardens and infrastructure. ****SAC CASE NOW PROGRESSING****

11. PLANNING APPLICATION - EPF/2438/19 WYLDINGTREE, 66 THE PLAIN, EPPING CM16 6TW (Pages 35 - 54)

To consider the attached report on the demolition of an existing bungalow construction of x3 no. terrace houses and x1 no. chalet-style bungalow with associated parking and gardens.

12. PLANNING APPLICATION - EPF/0384/21 WYLDINGTREE, 66 THE PLAIN, EPPING CM16 6TW (Pages 55 - 74)

To consider the attached report on the demolition of existing bungalow and construction of 2x pairs of semi-detached houses with associated parking and gardens (Revised application to EPF/1111/19).

13. PLANNING APPLICATION - EPF/3231/21 TILEGATE FARM, TILEGATE ROAD, HIGH LAVER CM5 0EA (Pages 75 - 88)

To consider the attached report on an application for Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

14. PLANNING APPLICATION - EPF/2627/20 LAND AT GREENSTED ROAD, CHIPPING ONGAR CM5 9LA (Pages 89 - 114)

To consider the attached report on the construction of a residential development comprising of 95 units, together with open space, car parking and landscaping.

15. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

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

What can I say?

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

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

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

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

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

How are the applications considered?

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

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

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

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

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee East 2021-22
 Members of the Committee and Wards Represented:

				
Chairman Cllr Keska	Vice Chairman Cllr Brady	Cllr Vaz	Cllr McCredie	Cllr J H Whitehouse
Chipping Ongar, Greensted and Marden Ash	Passingford	Chipping Ongar, Greensted and Marden Ash	Epping Hemnall	Epping Hemnall
				
Cllr J M Whitehouse	Cllr H Whitbread	Cllr Burrows	Cllr C Whitbread	Cllr Morgan
Epping Hemnall	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Hastingwood, Matching and Sheering Village
				
Cllr Balcombe	Cllr Rolfe	Cllr Stalker	Cllr Hadley	Cllr Bolton
High Ongar, Willingale and the Rodings	Lambourne	Lower Sheering	Moreton and Fyfield	North Weald Bassett
				
Cllr Mclvor	Cllr Bedford Shelley	Cllr Jones	Cllr Philip	
North Weald Bassett		Theydon Bois	Theydon Bois	

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EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

Committee:	Area Planning Sub-Committee East	Date:	9 February 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 7.35 pm
Members Present:	Councillors P Keska (Chairman), H Brady (Vice-Chairman), R Balcombe, P Bolton, L Burrows, I Hadley, S Jones, C McCredie, J McIvor, R Morgan, P Stalker, B Vaz, H Whitbread and J M Whitehouse		
Apologies:	Councillors N Bedford, J Philip, B Rolfe, C Whitbread and J H Whitehouse		
Officers Present:	J Leither (Democratic Services Officer) and N Cole (Corporate Communications Officer)		
Officers Virtual Attendance:	J Rogers (principal Planning Officer), G Courtney (Principal Planning Officer) and A Hendry (Democratic Services Officer)		

84. 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.

85. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

86. MINUTES

RESOLVED:

That the minutes of the meeting held on 12 January 2022 be taken as read and signed by the Chairman as a correct record.

87. DECLARATIONS OF INTEREST

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

88. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

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

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

90. SITE VISITS

Councillor H Whitbread proposed a site visit for item 10 and 11 on the agenda, EPF/2438/19 – Wyldingtree, 66 The Plain, Epping CM16 6TW and EPF/0384/21 – Wyldingtree, 66 The Plain, Epping CM16 6TW, which was seconded by Councillor L Burrows.

AGREED:

That the Sub-Committee agreed in favour of a site visit.

91. PLANNING APPLICATION - EPF/0073/19 LAND ADJACENT BROOK COTTAGE, SCHOOL LANE, ABBESS BEAUCHAMP AND BERNERS RODING, ONGAR CM5 0NY

APPLICATION No:	EPF/0073/19
SITE ADDRESS:	Land adjacent Brook Cottage School Lane Abdess Beauchamp And Berners Roding Ongar Essex CM5 0NY
PARISH:	The Rodings - Abbess, Beauchamp and Berners
WARD:	High Ongar, Willingale and the Rodings
DESCRIPTION OF PROPOSAL:	Residential development to create x 4 no. new dwellings and four garages.
DECISION:	Grant Permission (Subject to Legal Agreement)

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=619215

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing 1085.20 - Location Plan
Drawing 1085.21 - Floor Plans
Drawing 1085.22 - Elevations

Drawing 1085.23 - Garage Plan and Elevations
Drawing 1085.24 - Existing and Proposed Street Scenes
Drawing 1085.25 - Site Plan
Design and Access Statement, JSP.
Appendix A - Pre-app layout drawing.
Arboricultural Planning Report (Impact Assessment and Method Statement), Tracy Clarke, December 2018.
Tree Survey - Drawing number TCTC-19417-PL-01 dated December 2018.
Proposed Layout - Drawing number TCTC-19417-PL-02 dated December 2018.
Tree Protection Plan - Drawing number TCTC-19417-PL-03 dated December 2018.
Landscape and Maintenance Schedule
Low Impact EclA, Hybrid Ecology Ltd, 15 October 2018.
Phase I Geo-Environmental Desk Study, eps, 15 February 2019.
SuDS Statement and Drainage Strategy, EAS, October 2018 (Rev B, 23/04/19).

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 6 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, E, F of Part1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Prior to first occupation of the dwellings hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 8 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 10 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 11 The development shall be carried out in accordance with the flood risk assessment (EAS - Flood risk assessment and Drainage Strategy, Ref 1970/2018-B, April 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 12 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 13 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
- 14 Non-standard condition - The soft landscaping to the south boundaries of the site shall consist of a planting strip of a minimum width of 3metres with garden fences on the inside edge. The landscaping shall consist of trees / hedges of native species. If any plant dies, becomes diseased or fails to thrive within a

period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

- 15 Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy Tree Protection Plan drawing number TCTC-19417-PL03 dated December 2018.
- 16 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. In such instances, 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.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking, garages and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking, garages and turning areas shall be retained in perpetuity for their intended purpose. Reason: To ensure that appropriate access, parking and turning is provided.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.
- 19 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.
- 20 There shall be no discharge of surface water onto the Highway.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

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

occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy.

The council will expect that a management plan for the charging points is set out clearly. This will address:

- a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
- b) How charging point usage will be charged amongst users;
- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 22 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- 23 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

92. PLANNING APPLICATION - EPF/2438/19 WYLDINGTREE, 66 THE PLAIN, EPPING CM16 6TW

APPLICATION No:	EPF/2438/19
SITE ADDRESS:	Wyldingtree 66 The Plain Epping CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Demolition of an existing bungalow construction of x3 no. terrace houses and x1 no. chalet-style bungalow with associated parking & gardens.
DECISION:	Deferred

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=629199

DEFERRED FOR SITE VISIT

93. PLANNING APPLICATION - EPF/0384/21 WYLDINGTREE, 66 THE PLAIN, EPPING CM16 6TW

APPLICATION No:	EPF/0384/21
SITE ADDRESS:	Wyldingtree 66 The Plain Epping CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and construction of 2x pairs of semi-detached houses with associated parking & gardens (Revised application to EPF/1111/19).
DECISION:	Deferred

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=648293

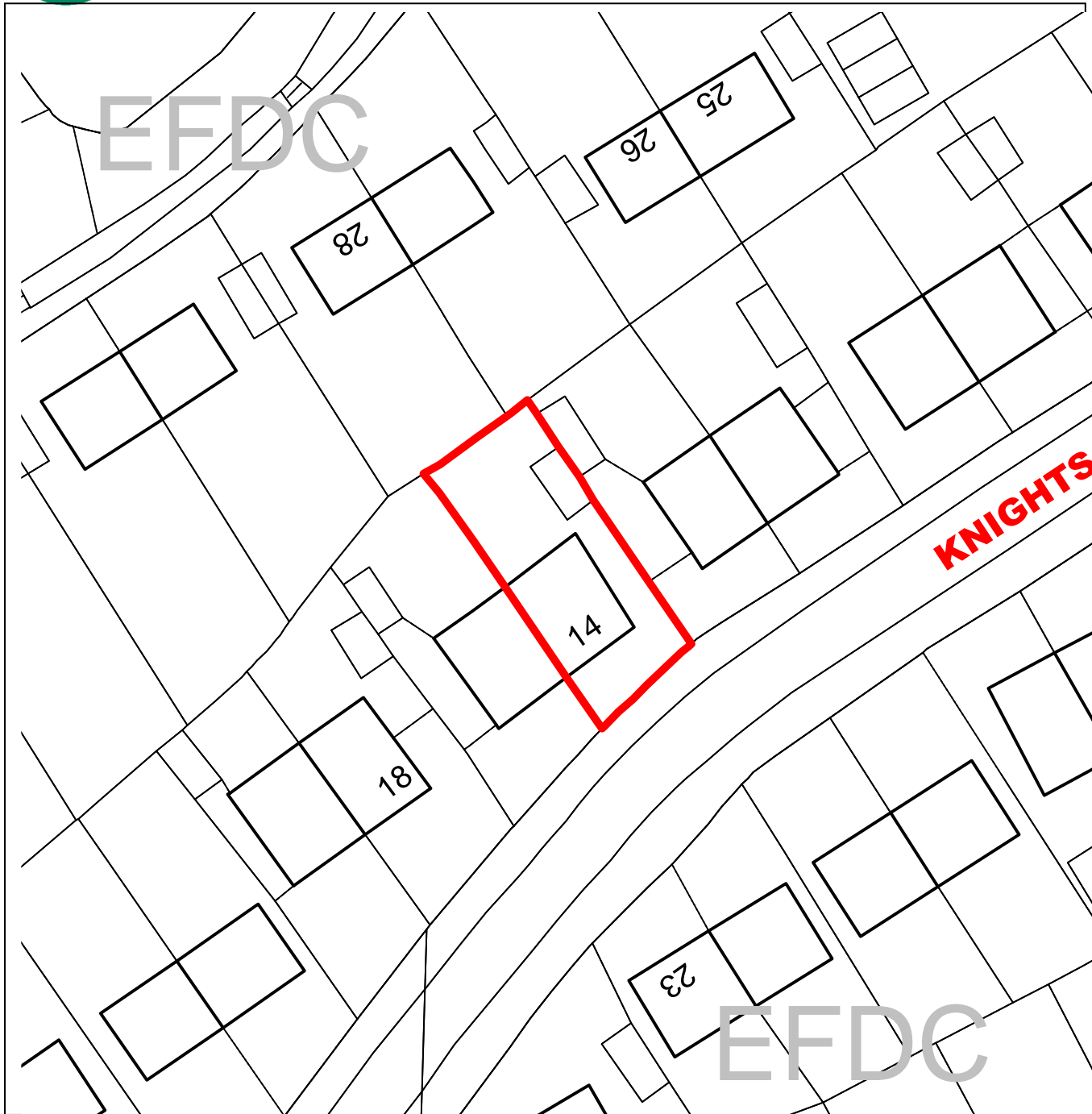
DEFERRED FOR SITE VISIT

CHAIRMAN

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Application Number:	EPF/2818/21
Site Name:	14 Knights Walk Lambourne, Romford RM4 1DR
Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/2818/21
SITE ADDRESS:	14 Knights Walk Lambourne Romford RM4 1DR
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Arthur Fjerce
DESCRIPTION OF PROPOSAL:	Proposed loft conversion with front & rear dormers, plus a ground floor rear/side extension.
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=659156

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 shall be carried out and retained strictly in accordance with the following approved plans: A01, A02, A03, A04, A05, A06, A07, A08
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

This application is before this Committee since it has been 'called in' by Councillor Rolfe (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

The application site is a semi-detached bungalow situated on the North side of Knights Walk in the predominately residential area of Lambourne. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

Description of Proposal:

Proposed loft conversion with front & rear dormers, plus a ground floor rear/side extension.

Relevant Site History:

None associated

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
DBE10	Design of Residential extensions

National Planning Policy Framework (NPPF) (2021)

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant

Summary of Representation:

No. of neighbours consulted: 6, 2 objections received

16 KNIGHTS WALK – OBJECTION: concern regarding loss of light. (Also concerns regarding gutter drainage and effects on sewerage however this is not a material planning considerations)

27 PANCROFT – OBJECTION: concern regarding loss of privacy.

PARISH COUNCIL – OBJECTION:

The Council OBJECTS to this planning application on the following grounds:

1. Over Development of plot: the extension is very large compared to the original size of the building at approx. 65% of original size. It will extend forwards and also goes to the boundary line which will make it overpowering to both neighbours and alter the street scene.
2. Loss of Parking: With the garage moving forward 5m there will be the loss of a parking space. The plans show that the property is increasing from 2 to 3 bedrooms which could increase further and cause an even bigger parking issue on the road.
3. The new Party Wall will be higher than the current glass conservatory side which will be overbearing and cut light to both the patio and dining room areas.

It is also noted that the current rain drainage runs along both properties and this will need to be considered if the application proceeds.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Design Impact on the Living Conditions of Neighbours

Design

The proposed scheme involves the demolition of an existing conservatory and outbuilding to be replaced by the erection of a single storey side/rear flat roofed extension. The proposal also includes a loft conversion involving two dormer windows – one at the front and one to the rear. The design of the scheme is a relatively conventional one and would not be out keeping with the existing dwelling, neither would it be detrimental to the character of the surrounding area as similar examples of the proposal exist within the street (i.e. 16 Knights Walk and 20 Knights Walk in relation to the dormer windows). The front dormer is well positioned within the front roof slope and leaves plenty of space between the bottom of the dormer and the eaves of the roof slope – thereby not appearing to be an overly dominant addition that does not detract from the overall character of the street. The proposal would not be considered overdevelopment.

Impact on Living Conditions

The neighbour at 16 Knights Walk has objected to the proposal stating concern over loss of light, as have the Parish Council. The neighbour at 27 Pancroft has objected to the proposal in relation to loss of privacy.

The proposed rear extension would be 3.5 metres in depth, 7.25 metres in depth and 2.71 metres in height. It would be 8.3 metres from the rear boundary. The proposed side extension would be approximately 7.4 metres in depth, 3.26 metres in width and 2.71 metres in height. The extensions would be adjacent to neighbouring side boundaries and would be 8.54 metres from the rear boundary. The proposed rear dormer window would look directly down the rear garden and would not overlook neighbouring properties directly. The rear dormer would be approximately 27 metres away from the nearest neighbouring dwelling and would not cause excessive harm in regard to loss of privacy.

It is considered that the scale of the proposal is modest and would not cause excessive harm to the living conditions of neighbours in relation to loss of light. There would not be excessive harm in regard to loss of visual outlook.

Parking

The Parish Council objected to the proposal stating that the development would result in the loss of a parking space. Whilst the garage is being moved forward, the space is not being lost and space for two off-street parking spaces would remain. The site would remain a single dwelling and therefore two off-street parking spaces is appropriate.

Conclusion:

The proposal is considered acceptable for the above reasons and it is recommended that planning permission is granted subject to conditions.

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

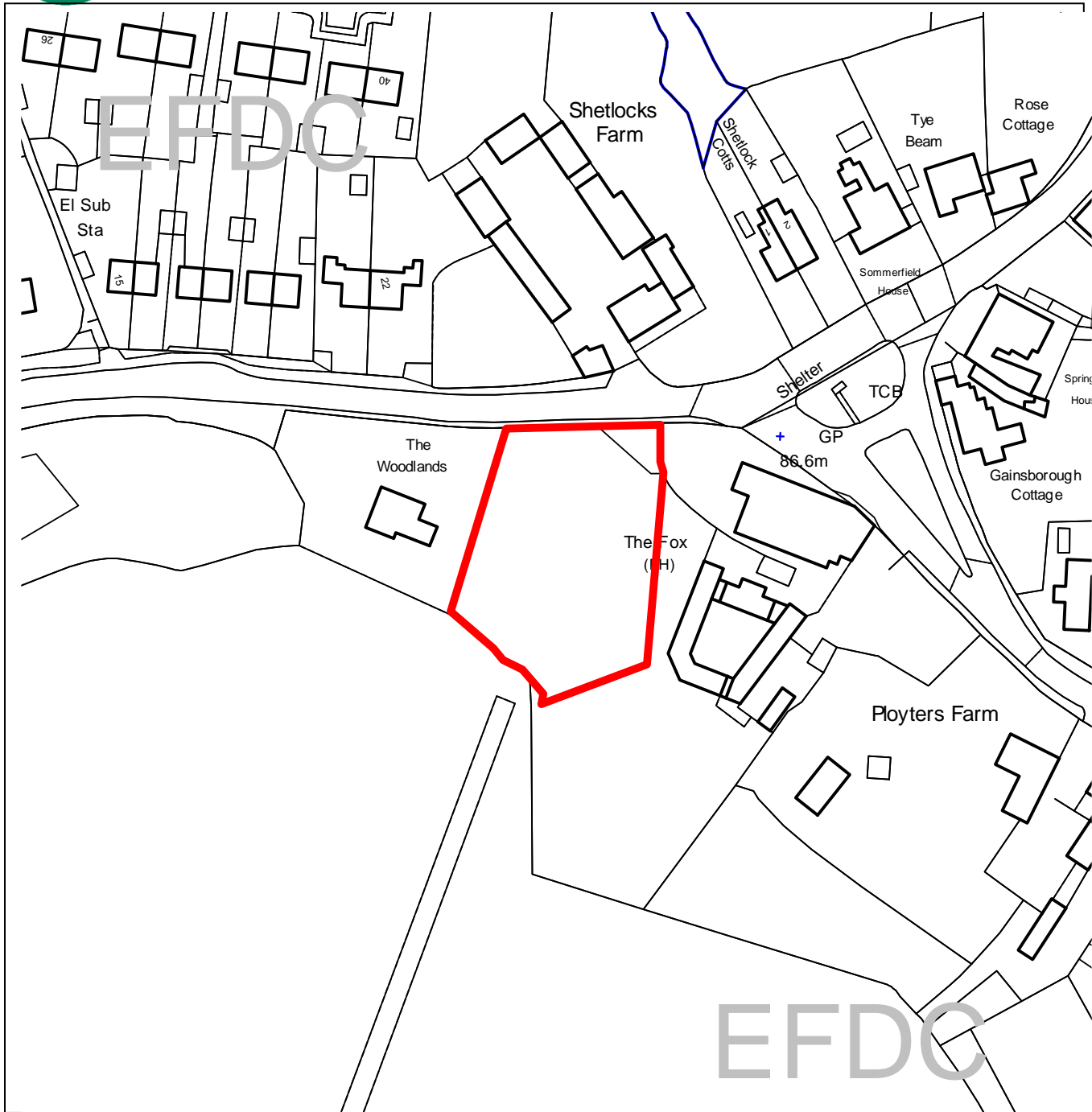
***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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

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Epping Forest District Council



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Application Number:	EPF/1531/19
Site Name:	Land adjacent The Fox Inn PH Harlow Road, Matching Tye Essex, CM17 0QS
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION NO:	EPF/1531/19 **SAC CASE NOW PROGRESSING**
SITE ADDRESS:	Land adjacent The Fox Inn PH Harlow Road Matching Tye Essex CM17 0QS
PARISH:	Roydon
WARD:	Hastingwood, Matching and Sheering Village.
APPLICANT:	C, E & M Gibson
DESCRIPTION OF PROPOSAL	Erection of x 2 no. detached dwellings complete with access, parking, gardens and infrastructure.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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&FOLDE R1_REF=625253

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: 98718.01 REV.F; 98718.02 REV.A and 98718.03 REV.A.
3. Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
4. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall

be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

5. Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
6. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
7. If any tree, shrub or hedge shown to be retained in the submitted is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, 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.
8. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. 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
9. 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.

10. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
11. Prior to preliminary ground works taking place, details of sewage and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
12. No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
13. Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include: - Location of active and passive charging infrastructure; - Specification of charging equipment; and - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date
14. Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B or E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

16. No development or preliminary groundworks can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
17. Prior to commencement of development, details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

This application is before this Committee since the recommendation is for approval contrary to an objection from at least 5 non-councillor residents, on planning grounds material to the application (Pursuant to The Constitution, Part 3, Scheme of Delegation to Officers from Full Council).

Description of site

The application site comprises a parcel of land measuring an area of 0.16 hectares with vehicle access located within the small hamlet of Matching Tye. The site is bound to the north by Harlow Road and Shetlocks Farm beyond; the Fox Inn PH to the east; Matching Park (a designated local wildlife site) to the south and The Woodlands (residential) to the west.

The site is used in part as an outdoor beer garden with additional uses taking place for various village related events/festivals throughout the year. The Council's Conservation Character Appraisal (*Matching Tye Conservation Area Character Appraisal and Management Plan, March 2007*) indicates that the site was previously occupied by a large house although no visible above ground structures remain today.

In terms of relevant local plan designations, the site is Green Belt land and is also part of the Matching Tye Conservation Area. The site is not included within any statutory or non-statutory heritage listings.

Description of proposal

The application proposals seek planning permission for two detached dwellings, (Plot (1) - 1x4 beds and Plot (2) - 1x3 beds) with a shared singular vehicle access and assigned car parking including curtilage landscaping.

The buildings have been set back from the road frontage and will be marginally staggered from one another. In terms of building heights, Plot (1) will measure 7.9m to ridge level and Plot (2) will measure 7.77m to ridge level.

Both houses will incorporate a range of traditional features such as chimneys/stacks, dormer windows, oak framed porches, plinths, conservation rooflights, exposed rafters and drip moulds. Roofs are angled at traditional pitches with dormer windows. The driveway will be laid to shingle.

Relevant History

EF\2018/ENQ/00724 - Proposal for two detached dwellings. The current proposal was subject of a pre-application discussion with the LPA which has helped to inform the scheme.

EPF/1379/12 - Erection of two semi detached houses and two detached houses. Application withdrawn 04/09/12.

EPF/0521/10 - Replacement permanent ancillary storage building. Granted Permission with Conditions 12/05/10

EPF/0515/10 - Proposed marquee to be erected for use in summer months for no more than 28 days in any calendar year. Granted Permission with Conditions Time Limited Use on 13/05/10.

Development Plan

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development In the Green Belt
GB7A	Conspicuous Development
HC7	Development within Conservation Areas
HC9	Demolition in Conservation Areas
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
UA1	Infrastructure Adequacy
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE4	Design In The Green Belt
DBE5	Design and Layout of New Development
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
L11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the Council's District, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

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

SP1 - Presumption in Favour of Sustainable Development
 SP6 - Green Belt and District Open Land
 SP7- The Natural Environment, Landscape Character and Green and Blue Infrastructure
 H1 – Housing Mix and Accommodation Types
 T1 - Sustainable Transport Choices
 DM1 – Habitat Protection and Improving Biodiversity
 DM2 – Epping Forest SAC and 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
 DM18 - On Site Management of Waste Water and Water Supply
 DM22 – Air Quality
 D1- Delivery of Infrastructure
 D3 – Utilities

Consultation Carried Out and Summary of Representations Received

EFDC Arboricultural – No objections subject to conditions to secure tree and existing retained hedges are adequately protected including hard and soft landscaping details.

EFDC Land Drainage – No objections subject to conditions to secure a Flood Risk Assessment and details of surface water drainage prior to development.

EFDC Environmental Health – No objections subject to standard conditions to mitigate the risks of potential contamination on future residential occupiers.

EFDC Conservation - No objections subject to inclusion of planning conditions to secure details of all external materials and hard and soft landscaping.

Matching Parish Council – No objections although request their comments in relation not sewage capacity, parking for visitors to the Fox Inn PH and the impacts on the conservation area are considered by officers.

Essex County Council Historic Environment – No objections subject to inclusion of planning condition to secure a programme of archaeological works in accordance with a written scheme of investigation to be approved by the LPA.

NEIGHBOURS – 9 properties were consulted including a site notice. To date 9 notices of objections and 1 notice of support have been received. The main concerns raised by objectors are summarised as follows:

- Design of houses do not reflect the existing character and quality of the surrounding listed and local listed buildings;
- Damage to the pattern of development;
- Block views of Matching Park;
- Loss/obscuring of light to neighbouring side window at The Woodlands;
- Knock on impacts to highway safety from the loss of car parking;
- Loss of ability to host future events and festivals in the village; and
- Sewage and water infrastructure is currently inadequate to cater for additional dwellings.

Issues and considerations

The main issues to consider are the potential impacts on the Metropolitan Green Belt, the living conditions of the neighbours and its design in relation to the character and appearance of the area.

Metropolitan Green Belt

The National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority 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, is clearly outweighed by other considerations.

However paragraph 149 part (e) of the NPPF allow certain exceptions to inappropriate development one of which is '**limited infilling in villages.**'

In terms of satisfying the exception test above, officers must consider two specific aspects:

- whether the site is located within a village; and
- whether the development is limited infilling.

The Council's Submission Version Local Plan (2017) defines infill development as:

'...the development of a small gap in an otherwise continuous built up frontage, or the small scale redevelopment of existing properties within such a frontage.

With regard to the first consideration, officers consider the site clearly forms part of the village of Matching Tye. In terms of the second consideration, the development is located within a small gap in between the Fox Inn PH and The Woodlands which forms a continuous built up frontage. Accordingly, officers consider that the development for 2 dwellings in this location would qualify as limited infilling in a village.

In terms of the minimising the impact on openness, it is considered that the overall size and layout of development is proportionate to adjacent existing buildings. Equally, the strong visual buffer provided by Matching Park to the south would further contain the effects of new development and prevent any further incursion into the openness of the Green Belt. If Members are minded to approve the application, officers would recommend restricting permitted development rights under Schedule 2 Part 1 Classes A,B and E of the General Permitted Development Order 2015 (as amended) to further ensure the future integrity of this Green Belt location can be maintained.

Overall, it is concluded that the proposal for 2 new dwellings onsite will not have a materially greater impact on the Green Belt in physical terms and therefore complies with Policies CP1, CP2, GB2A, GB7A and H2A of the Adopted Local Plan (2006) and Alterations (2008); Policy DM4 of the Submission Version Local Plan (2017) and the aims and objectives of the NPPF under part (e) of paragraph 149.

Design and character

Plot 1 essentially adopts a reversed 'L-shaped layout with its forward building line sited marginally proud of its nearest neighbour at The Woodlands. In terms of its maximum roof height, it would match the tallest part of the nearest neighbouring building at The Woodlands. In comparison, the layout of Plot 2 is T-shaped with 3 bedrooms and is set slightly forward. Both properties would measure similar gross internal floor areas of approximately 200m². Plot 2 would be marginally shallower in height by 0.2 metres. Generally, the scale of the proposals and their siting relative to neighbouring buildings and the road is acceptable.

Both Plots 1 and 2 would incorporate a similar architectural style and treatment in terms of external rendered facades with brick plinths, plain tiles for the roof coverings (lead to both conservatory roofs) and timber window casements. The driveway would be laid to shingle with soft landscaped features (existing and proposed) planted on the boundary of Harlow Road.

Overall, it is considered that the siting, scale and proportion of the proposed dwellings, including the use of traditional construction materials provides a high-quality form of residential design that preserves and maintains the existing character of the Matching Tye Conservation Area.

It is therefore concluded that the design and character of the dwellings including their impact on the Matching Tye Conservation Area are acceptable and complies with Policies HC7, HC9, DBE1, DBE4, DBE5, DBE6 and DBE8 of the Adopted Local Plan and Alterations; Policies DM7, DM9 and DM10 of the Submission Version Local Plan 2017 and the aims and objectives of the NPPF.

Amenity of neighbouring occupiers

The neighbouring occupiers at the property known as 'The Woodlands' have drawn officers attention to their concerns that Plot 1 would obscure/overshadow the window in the east facing flank of their attached garage limiting daylight. On balance, officers have observed the window in question and consider any potential loss of daylight is negligible given the separation distance between both buildings (c.4.8m). Furthermore, the existence of a roof dormer to the south roof slope would likely continue to provide adequate daylight to this roof space.

The impact on residential amenities are acceptable and therefore comply with Policy DBE2 of the Adopted Local Plan and Alterations (2008) and Policy DM9 of the Submission Version Local Plan (2017).

Landscaping

There are no objections to the landscaping of the proposal subject to conditions recommended by the Council's arboricultural officer to ensure existing hedges are protected during construction and protected thereafter including additional hard and soft landscaping information for further agreement.

Flood Risk and Land Contamination

Contaminated land and drainage officers have no objections to the proposals on flood risk or land contamination grounds provided recommended planning conditions are secured on grant of planning permission. Neighbours concerns relating to the inadequacy of existing sewage and water infrastructure to cope with additional development can be addressed via planning condition to ensure that any potential impacts can be minimised.

In this regard the proposals would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2008) and Policies DM15, DM16, DM21 and D3 of the Submission Version Local Plan (2017)

Parking and highways

Officers consider that the amount of residential traffic that would result from the proposed development would not have a detrimental impact on the highway in terms of safety, efficiency and capacity. The existing access point off Harlow Road is retained as part of these proposals meaning that only one means of access will be provided for both dwellings.

The current adopted parking standards (Essex Vehicle Park Standards) requires a minimum 2 car parking spaces per 2+ bed dwelling and 0.25 visitor spaces per dwelling, resulting in a requirement of 5 spaces. The proposals have made provision for 3 spaces per dwelling and therefore is considered acceptable.

Epping Forest Special Area of Conservation

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

- a. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim

Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

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

Atmospheric Pollution

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

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

Other issues

Neighbour objections have also cited the loss of the seasonal events/festivals as a result of the proposed development. Whilst officers are sympathetic to residents desire to maintain these seasonal village functions/festivals going forward, there are no planning policies that would prevent the loss these uses on what is essentially privately owned land.

Conclusions

The proposals to provide two new dwellings can be considered an exception to inappropriate development under emerging local plan policy DM4 and paragraph 149 (part e) of the NPPF and does not cause harm to the openness and character of the Green Belt. The scale and design of the proposals are also considered compatible with the conservation area character and would not cause significant harm to existing residential amenities in terms of daylight, sunlight and outlook.

For the reasons outlined above the proposals comply with relevant policies under both the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006), the Epping Forest Local Plan Submission Version 2017 as well as advice contained in the NPPF. Therefore it is recommended that conditional planning permission be granted subject to conditions completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of air pollution on the Epping Forest Special Area of Conservation.

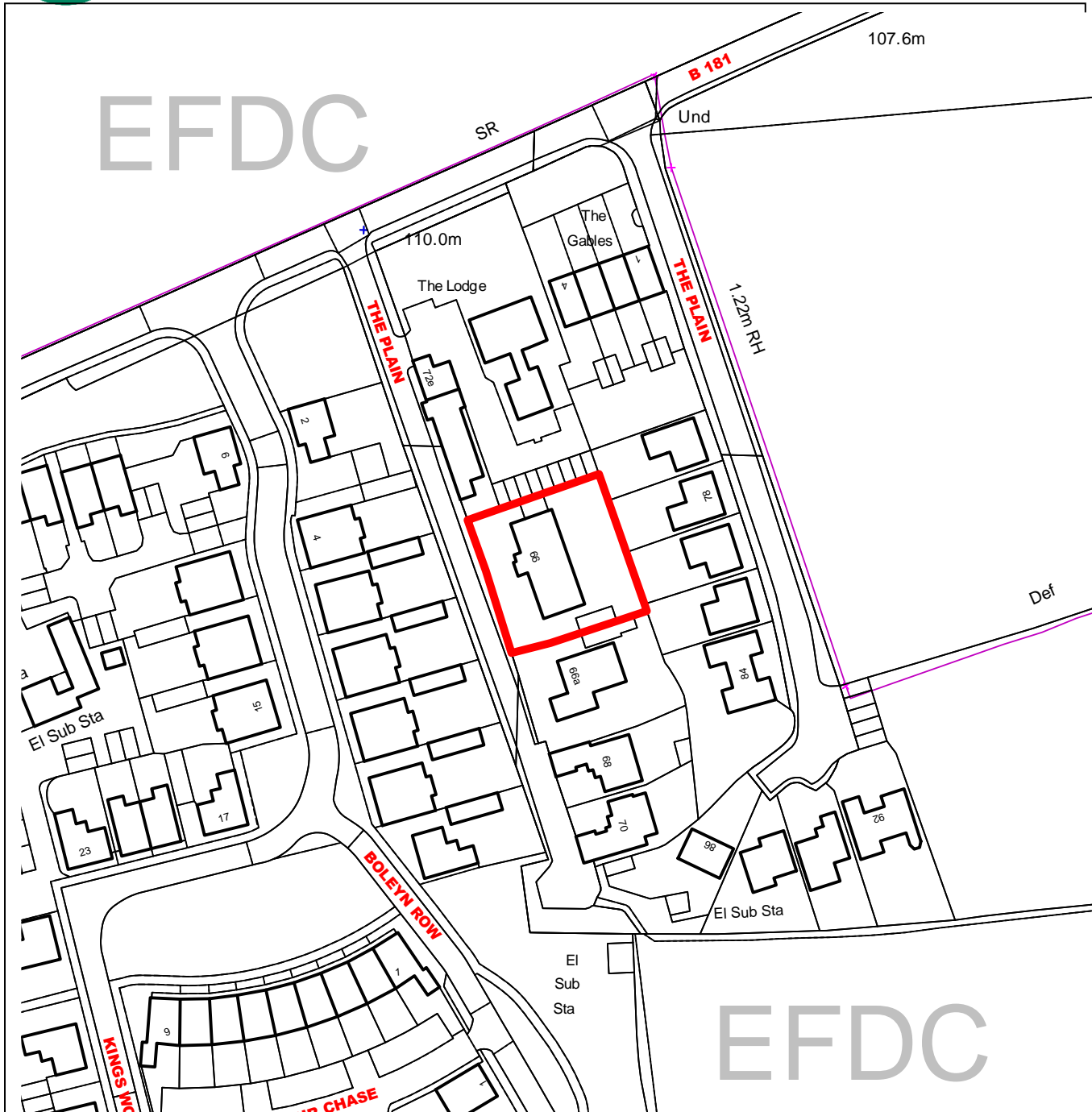
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Cuma Ahmet Telephone Number: 01992 564000 (x2581).

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



Epping Forest District Council



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Application Number:	EPF/2438/19
Site Name:	Wyldingtree, 66 The Plain Epping, CM16 6TW
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/2438/19
SITE ADDRESS:	Wyldingtree 66 The Plain Epping CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Manor Properties (Bishops Stortford) Ltd
DESCRIPTION OF PROPOSAL:	Demolition of an existing bungalow construction of x3 no. terrace houses and x1 no. chalet-style bungalow with associated parking & gardens.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=629199

CONDITIONS

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

2135/03, L9120 1 of 2, L9120 2 of 2, 2135/13A, 2135/14A, 2135/15A, 2135/16, 2135/17

Bat Survey report dated June 2019 and Preliminary Ecological Appraisal by T4 Ecology Limited dated March 2019,
Phase 1 Geo-Environmental Desk Study by Brown to Green reference 2263/Rpt 1v1 March 2019, Design and Access Statement
Tree Survey/ Arboricultural Method Statement report and Tree Protection Plan by Moore Partners Ltd ref MP/PLA/01 dated March 2019.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
- 3 The first and second floor window openings in the flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to the commencement of any works a bat scoping survey should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to the Local Planning Authority for approval. Should the surveys reveal the likely presence of bats or their breeding sites or resting places then dusk /dawn surveys should be undertaken in accordance with guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority for approval. Should the survey reveal the presence of bats, or their breeding sites or resting places an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England and submitted to EFDC for approval. Should a Natural England European Protected Species Licence (EPS) be required then this should also be submitted to EFDC for approval. The licence will get granted if the activity conforms to the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 7 The Proposed Development should be undertaken in accordance with the recommendations within section 5.2 of the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by T4 Ecology Ltd, dated March 2019.
- 8 Prior to first occupation of the development, a scheme to enhance the ecological value of the site in accordance with Annexe 4 of the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by T4 Ecology Ltd, dated March 2019 shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 9 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 10 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- Details shall include permeable hedgerows with hedgehog gaps in any new fencing.
- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, 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.
- 12 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Moore Partners Ltd drawing number MP/PLA/01 dated 29th March 2019 unless the Local Planning Authority gives its prior written approval to any alterations.
- 14 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. In such instances, 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.

- 15 All dwellings units shall be built in accordance with Part M4 (2) of the Building Regulations, unless otherwise agreed in writing with the Local Planning Authority.
- 16 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 17 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B, and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site contains a detached one-and-a-half storey chalet bungalow situated on the eastern side of the private road section of The Plain that serves a block of flats and five dwellings and runs adjacent to the rear of the New Kingswood Park Estate.

The site is located outside of the designated Green Belt in the very north-eastern part of Epping. To the immediate north of the site is the garage court serving a block of apartments known as The Lodge. There are residential properties on all other sides, including detached bungalows to the south.

The application site is located within the urban settlement of Epping. It is not situated within a conservation area nor is the dwelling listed, locally listed or a non-designated heritage asset.

Description of Proposal:

Permission is sought for the demolition of an existing bungalow construction of a terrace of 3 houses and 1 chalet-style bungalow with associated parking & gardens.

Each terraced house will contain 4 bedrooms over 2 and a half storeys and measures 6.3m wide by 11.3m deep and 8.27m high to the ridge of the half hip roof.

The internal areas of the houses within plots 1, 2 and 3 will be 165 sqm.

The three bedroomed chalet bungalow measures 6.2m wide 13m and 6.7m high to the ridge of its hipped roof. The chalet bungalow has an internal area of 115 sqm.

External finishes include yellow London Stock brick, slate tiles and UPVC fenestration.

Relevant History:

Reference	Description	Decision
EPU/0053/55	Dwelling house	Approved
EPF/0989/79	Re-construction of four dormer windows and alterations to front storm porch	Permitted Development
EPF/1111/19	the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings	Refused

Reasons for refusal were:

1. The proposed development would see the loss of the chalet bungalow on the site. This is contrary to Policy H1(F) of the Epping Forest District Local Plan (Submissions Version) 2017
2. The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017

DEVELOPMENT PLAN

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

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP3	New development
CP5	Sustainable building
CP6	Achieving sustainable urban development patterns
CP7	Urban Form and Quality
CP9	Sustainable transport
RP4	Contaminated land
H3A	Housing density
DBE1	Design of new buildings
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of amenity
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST4	Road safety
ST6	Vehicle parking
NC1	SPAs, SACs and SSSIs
NC3	Replacement of Lost Habitat
NC4	Protection of established Habitat

NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

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

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

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

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Some
SP3 - Place Shaping	Significant
H1 - Housing Mix and Accommodation Types	Some
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 - Green and Blue Infrastructure	Significant
DM6 - Designated and Undesignated Open Spaces	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant

DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
P1 - Epping	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 31
 Site notice posted: Yes

Responses received:

70 THE PLAIN, 70 THE PLAIN, 80 THE PLAIN, 82 THE PLAIN, 2 KINGSWOOD PARK, 8 KINGSWOOD PARK, 10 KINGSWOOD PARK, 4 PYRE ROAD OBJECTION:

Overdevelopment of the plot;

- Harm to this unmade road, parking problems, and the impact on infrastructure; Creation of overlooking by the new houses;
- Loss of view to neighbours;
- Increased noise;
- Inadequate parking Impact on parking within the surrounding roads;
- The environmental impact due to the proximity to the SSSI ;
- The removal of trees that has already taken place;
- Disturbance during construction;
- Reduction in property value;
- Should any development be agreed then there should be restrictions which prevent building noise outside the hours of 8am-5pm, Monday – Friday.
- The development will impact the privacy of the rear and the garden areas of the properties on Kings Wood Park and “The Plain” street which backs on to the other side of the site, impeding the right to light for such residents. As noted, this is at odds with the rest of the development on The Plain.
- Road access on “The Plain” is already under pressure from the existing usage – the development will increase the occupation and car usage rate at least four-fold. The junction is already dangerous and turns out into a section shortly before a National Speed limit section of the B181, this road and the exit would need extensive development to make the junction safer to cope with such an increase in traffic flow. In general, the road probably needs full adoption and development if further traffic is to be introduced to the site beyond those reasonably expected from a single dwelling.
- The access road to the Kings Wood Park development has been the subject of increased parking at or close to the junction, which is a further danger to the general access points to the two junctions onto the B181. As of October 2019 double yellow lines have been added to the immediate vicinity of the junction, but all this has done is to defer the problem further along Kings Wood Park. These cars are not typically residents of Kings Wood Park and consist of a combination of existing overspill from “The Plain” and visitors to the nearby hospital. The likely increase in car usage on The Plain will exacerbate this issue further.

PARISH COUNCIL: Initial comments NO OBJECTION

Comments after re-consultation: OBJECTION

The Committee have re-evaluated this proposal following neighbours' objections as well as reviewing these new additional amendments and strongly object to this application. While a bungalow has been reinstated on this proposal with three terraced houses, there are still four dwellings proposed on this site and amendments have related not only to design but additional features on this proposal.

The proposal is still an overdevelopment in terms of height, scale, bulk and density, which would result in a detrimental effect on the streetscene. The proposal will result in a loss of amenity of neighbouring properties in terms of invasion of privacy.

There is also insufficient access for residents and visitors to and from the busy main road into this private road. This is in addition to basic requirements such as refuse bin and emergency vehicles movements. There would not be enough parking provided on site for four houses. The residents on that road already suffer from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems as well as having a detrimental effect on the surrounding area especially near the doctor's surgery and hospital, resulting in unsympathetic change. The generation of additional traffic and refuse in this already busy location, will result in a loss of amenity in terms of noise and disturbance.

The area is in a unique location on a private road. The design of the proposal will have a detrimental effect on the appearance of the properties around it, affecting the character of the streetscene and surrounding area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location, as they all follow a similar style.

National policy states that sustainable development means that better lives for ourselves does not mean worse lives for future generations. This development would be detrimental to both current and future generations at this location.

Relevant policies: CP2, CP3, CP6, CP7, DBE1, DBE2, DBE9, DBE10, GB9A, H3A, H4A, ST6, TC3 (ii).

Emerging Local Plan H1A(ii) and (iii). DM9J
NPPF: Para 9. 17, 56, 127

Epping Town Council confirm they will attend and speak at Plans East object to this proposal.

Main Issues and Considerations:

Principle of the development

Policy SP 2 of the LPSV indicates that additional 'windfall' sites will be permissible under Part B of Policy SP 2, within defined settlement boundaries.

The application site is located within the urban town of Epping within flood zone 1 (i.e. least likely to flood). The site also has no heritage designation attached to it. It would therefore meet the requirements of policy SP 2 in regard to where new housing should be located.

Background

This application is a resubmission of the refused scheme under reference EPF/1111/19 for the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey

dwellings. That application was refused by members of the East Area Planning Sub Committee on the grounds that

1. The proposed development would see the loss of the chalet bungalow on the site.
2. The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene.

This application was then appealed under reference APP/J1535/W/19/3239786. The only grounds for dismissal related to the lack of an Air Pollution Mitigation Strategy.

The Planning Inspector found that:-

“The dwelling to be demolished is a large dwelling which has accommodation over two floors. Therefore, whilst bedrooms are provided on the ground and first floor, the scale of the accommodation with 7 bedrooms is unlikely to be appropriate to meet the needs of an ageing population.... In conclusion the development would not be detrimental to the supply of housing for older residents”

This issue therefore can no longer be justified as a reason for refusal. The proposal therefore was found not to conflict with policy H 1 of the LPSV.

In regard to the impact of the proposal on the character and appearance of the area. The Inspector opined that

“From the frontage of the appeal site it is possible to see the blocks of flats which are at the entrance to The Plain and are an imposing feature visible from several vantage points along the road. The Plain is characterised by a mix of dwelling types and styles, including both single and two storey. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.

11. The proposal would result in the replacement of the existing bungalow with two pairs of semi-detached two storey development, with rooms in the roof. Having regard to the mixed character and scale of development within The Plain, I consider the introduction of two storey development on the appeal site would not be out of character with the existing street scene. The introduction of semidetached development with its narrow vertical profile, emphasised by the inclusion of dormer windows in the roof space would not appear overly dominant or bulky and would represent a transition between the scale of the existing three storey flats and the detached two and a half storey dwelling, The Gable which is located at the northern end of The Plain beyond the appeal site.

12. In conclusion, the proposal would not result in harm to the character and appearance of the area. It would therefore comply with Policies DBE1, DBE2 and CP3 of the LP which require that new development respects the character of the locality and setting in terms of scale, proportion and massing and effect upon surrounding properties.”

Epping Forest Special Area of Conservation

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

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations)

to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

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

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

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

The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial

contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Design

The appeal decision under reference EPF/1111/19 supports the principle of houses in this location.

Initially plans were submitted which showed a reduction in height of the previously approved scheme by 1.03m. and a replacement of one of the houses with a chalet bungalow. Plans were amended during the course of the application and prior to the appeal decision being released.

The amendments are as follows:

- Central gable projecting feature removed on the terrace
- Terrace design simplified to reflect neighbouring pitched roofed properties Additional bedroom added on the ground floor of the bungalow, creating a total of two accessible bedrooms suitable for the elderly or disabled people's occupancy.

The surrounding area is made up of a variety of 20th century and modern housing. The proposed scheme draws reference to the Kingswood Park Estate. It is therefore considered to preserve character of the surrounding area. This stance is consistent with the Planning Inspectorate Decision letter for application refused under reference EPF/1111/19. (A copy of the decision is attached below). It therefore accords with the requirements of policies CP7 and DBE 1 of the Local Plan and DM9 of the Submission Version Local Plan.

Trees

The application was reviewed by the Trees Officer who found the submitted Tree survey and Arboricultural Method Statement demonstrated that the health and stability of existing trees on the site would not be harmed. It is therefore considered that subject conditions suggested by the Trees Officer this application complies with the requirements of LL10 of the Local Plan.

Quality of residential accommodation proposed

All dwellings meet current internal space standards set out in the Essex Design Guidelines and National Technical Standards. They also provide acceptable levels of outlook and ventilation. All

units meet amenity space standards required by Policy DBE8 of the Local Plan. The quality of the proposed accommodation is therefore considered acceptable.

Impact on the living conditions of neighbouring residential occupiers.

The proposed new dwellings would be situated immediately adjacent to a parking area to the north. To the south is a detached bungalow with an attached (former) side garage that forms the shared boundary and extends back to the end of the rear gardens. Whilst upper storey flank windows are proposed in the new dwellings these can be conditioned to be obscure glazed with fixed frames. Due to this there would be no immediate physical impact on the amenities of the immediately adjacent dwellings within this unmade lane.

To the rear of the application site are two storey dwellings situated within the adopted highway section of The Plain. The rear gardens of the new houses would be 10m long and new planting is proposed along the shared boundary. The neighbour's rear gardens are a minimum of 10m in depth, extending to 15m in places. As such the total window-to-window distance between the new and existing houses would be 20m-25m.

The rear garden of the bungalow would be 8.5m deep, however the overall window to window distance between it and number 80 The Plain would still be 20m. It would also have an overall lower height (6.7m) than the houses (8.27m).

Whilst the Essex Design Guide recommends that a minimum window-to-window distance of 25m should be obtained, and a distance of 15m window to shared boundary should be achieved, in densely populated built-up areas such distances are often not achievable. Given that at present the two storey dwellings in the adopted highway section of The Plain are currently situated just 10m at their closest point from the existing rear boundary of the site and other properties within the unmade section of The Plain, assumedly without causing a detrimental loss of amenity through overlooking, it is considered acceptable for the proposed two-and-a-half storey houses to be situated 10m and 1.5 storey bungalow to be situated 8.5m away from the same shared boundary without causing significant loss of privacy to these neighbouring residents. Additional landscaping could be sought by condition to ensure additional screening is achieved for the benefit of both existing and future residents.

The distance between the front windows of the proposed dwellings and the rear boundaries of properties in Kingswood Park is 14.6m and again would not be considered unacceptable in this location.

The distance between the new dwellings and all shared boundaries would be sufficient to ensure that there is no undue loss of light or outlook to neighbouring residents. Some objections have been received about the loss of the existing open view as a result of the development, however there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have been raised about potential additional noise nuisance through the provision of four new dwellings in place of the existing chalet bungalow. Whilst it is accepted that there would be some additional vehicle and pedestrian movements and general activity on the site as a result of the redevelopment, given the context of the site (including the 132 dwellings erected on the adjacent former hospital site), it is not considered that this would cause any significant additional impact.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction

works can however be secured by way of a condition in order to minimise any detrimental impact on neighbours during construction.

Highways:

Several objections have been raised about insufficient parking provision on the development. The ECC Vehicle Parking Standards requires two off-street parking spaces for any 2+ bed dwelling, which is being provided on the site.

Furthermore, given the location of the site within the urban town of Epping and its proximity to sustainable transport links and various facilities, it is considered that the lack of 1 visitor is acceptable.

This section of The Plain is privately owned. Concern has been raised about the detrimental impact that the development would have on capacity and road safety both within The Plain itself and at its junction with Epping Road. Essex County Council Highways have been consulted on the application and have raised no objection to the development. It is not considered that the additional traffic associated with this small development would cause any significant additional harm to traffic or highway safety and, as stated above, sufficient off-street parking provision is provided to ensure that there would not be excessive overspill onto on-street parking within the locality.

In accordance with policy T 1 of the LPSV, a condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Ecology

Policies DM 1 and DM 2 of the LPSV require that new development avoids harm to existing trees, green infrastructure, precious habitat and species; strengthens the biodiversity assets of the District; addresses the impacts of development on landscape character and geodiversity and provides for open spaces for people and other species to thrive.

A bat survey report dated June 2019 and Preliminary Ecological Appraisal dated March 2019 has been carried out by T4 Ecology Limited who found evidence of bats within the existing building; they therefore recommend further dusk dawn surveys to be carried out by licensed bat worker to determine the extent of the bat population, and whether a European Protected Species Licence is required, if bats are discovered a third survey would be required and mitigation designed accordingly.

This report recommends a range of mitigation, compensation and enhancement measures to ensure obligations are met including: -

- Trenches covered over at night to protect radiating mammals;
- A check should be made for nests if construction work is carried between March and September.
- Enhancements should include permeable boundaries such as tree lines and hedgerows.in addition to leaving hedgehog gaps in any new fencing.
- Provides a list of planting species which will enhance biodiversity on the site.

These requirements should therefore be attached as conditions to any permission to ensure compliance with NC 3 and NC4 of the Local Plan and DM1 of the LPSV.

Conclusion:

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

The proposal has an acceptable appearance and will not cause excessive harm to the amenity of neighbouring dwellings. Sufficient parking has been provided for this sustainable location and no objections have been raised by the Highways Authority in relation to highway safety.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and the completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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

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

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



Appeal Decision

Site visit made on 7 January 2020

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/J1535/W/19/3239786

Wyldingtree, 66 The Plain, Epping CM16 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Manor Properties (Bishop Stortford) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1111/19, dated 25 March 2019, was refused by notice dated 4 September 2019.
 - The development proposed is demolition of existing bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Although not a reason for refusal, the effect of the proposal on the Epping Forest Special Area of Conservation (SAC) is potentially a determinative issue. Therefore I have elevated this matter as a Main Issue.

Main Issues

3. The main issues are the effect of the development on:
 - the Epping Forest Special Area of Conservation;
 - the character and appearance of the area;
 - the supply of housing for older residents.

Reasons

Epping Forest Special Area of Conservation

1. The appeal site comprises a detached chalet bungalow located on the eastern side of the private road, The Plain, which serves a block of flats and five dwellings. The site is adjacent to New Kingswood Park Estate, with the rear elevation of the properties facing towards the appeal site.
2. The appeal site lies within the 3 km zone identified by Natural England as being likely to result in harm to the Epping Forest Special Area of Conservation (SAC) due to increased leisure use and an increase in traffic impacting on air pollution. The area was designated due to the presence of three qualifying habitats and one species, namely Atlantic beech forest, European dry heaths,

<https://www.gov.uk/planning-inspectorate>

Northern Atlantic wet heaths and the Stag beetle. The conservation objectives are to achieve the favourable conservation status of these qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats, the population and distribution of the qualifying species and the supporting processes on which it relies.

3. Given that the proposal is for 3 additional houses, and its proximity to the SAC there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a significant effect on the habitats site.
4. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
5. The Council has agreed with Natural England that developments should contribute £325 per dwelling to mitigate against the harm the proposal will bring to recreational receptors within the SAC and the parties have agreed a financial sum. Natural England has identified that there is an agreed project that would address the effects associated with the proposed development and relieve pressure on the SAC. Whilst the appellant has indicated that they are willing to pay this contribution I have not been provided with a signed and dated Unilateral Undertaking making provision for the required contribution.
6. In terms of air pollution, Natural England has advised that all new development in the district has the potential to increase air pollution unless appropriate mitigation is provided. The Council is working with Natural England and other neighbouring authorities towards establishing a mechanism for collecting contributions that would be used to offset any potential impact because of air pollution on the SAC, and a Mitigation Strategy which would identify specific measures or projects.
7. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives. However, in the absence of an agreed mitigation strategy to overcome the in-combination effects that have been identified in respect to air quality and the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I cannot be satisfied that the appeal proposal would not result in significant adverse effect to the integrity of the SAC. Had such mitigation been in place, I would have sought clarification from the main parties on this matter and, if necessary, undertaken an Appropriate Assessment in order to consider the implications of the development on conservation objectives. However, this avenue is not available to me.
8. Based on a precautionary approach and the evidence before me, I conclude that the appeal scheme would be likely to have a significant adverse effect on the integrity of the SAC due to the potential increased disturbance through recreational activity and increase in air pollution. The proposal would therefore fail to comply with the requirements of the Regulations as well as Paragraph 175(a) of the Framework which states that where significant harm to

biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. Moreover, it would also fail to comply with policy NC1 of the Epping Forest District Local Plan 1998/2006 (LP) and policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version (LPSV) which together seek to ensure that development does not adversely affect Special Areas of Conservation.

9. However, I am not aware of the status of any unresolved objections to the LPSV and therefore having regard to paragraph 48 of National Planning Policy Framework (the Framework), I afford the emerging policy only limited weight in my assessment.

Character and Appearance

10. From the frontage of the appeal site it is possible to see the blocks of flats which are at the entrance to The Plain and are an imposing feature visible from several vantage points along the road. The Plain is characterised by a mix of dwelling types and styles, including both single and two storey. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
11. The proposal would result in the replacement of the existing bungalow with two pairs of semi-detached two storey development, with rooms in the roof. Having regard to the mixed character and scale of development within The Plain, I consider the introduction of two storey development on the appeal site would not be out of character with the existing street scene. The introduction of semi-detached development with its narrow vertical profile, emphasised by the inclusion of dormer windows in the roof space would not appear overly dominant or bulky and would represent a transition between the scale of the existing three storey flats and the detached two and a half storey dwelling, The Gable which is located at the northern end of The Plain beyond the appeal site.
12. In conclusion, the proposal would not result in harm to the character and appearance of the area. It would therefore comply with Policies DBE1, DBE2 and CP3 of the LP which require that new development respects the character of the locality and setting in terms of scale, proportion and massing and effect upon surrounding properties.
13. In addition, the Council's decision notice refers to emerging policy DM9 of the LPSV. Amongst other things this seeks to promote high quality design. However, I am not aware of the status of any unresolved objections to the LPSV and therefore having regard to paragraph 48 of National Planning Policy Framework (the Framework), I afford the emerging policy only limited weight in my assessment.

Supply of housing for older residents

14. The evidence before me indicates that the profile of the population within the District is getting older and that there has been an erosion of the Council's stock of bungalows, which play an important role in meeting the housing needs of such residents. This evidence is not disputed by the appellant. Policy H1 of the LPSV specifically seeks to resist the loss of bungalows in order to ensure an appropriate mix of accommodation types is maintained. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups of the community, including older people.

15. However, the dwelling to be demolished is a large dwelling which has accommodation over two floors. Therefore, whilst bedrooms are provided on the ground and first floor, the scale of the accommodation with 7 bedrooms is unlikely to be appropriate to meet the needs of an ageing population.
16. The layout of the proposed dwellings includes separate living rooms on the ground floor which could provide bedroom accommodation on the ground floor if required. Policy H1 of the LPSV also requires new homes to be accessible and adaptable as defined by Building Regulations, therefore I consider the proposed dwellings would still provide a level of accommodation which would be appropriate to meet the needs of an aging population.
17. Therefore, whilst there is some conflict with parts of emerging Policy H1, I am not aware of the status of any unresolved objections to the emerging plan and therefore with regard to paragraph 48 of the Framework, I afford the conflict with these emerging policies only limited weight in my assessment.
18. In conclusion, the development would not be detrimental to the supply of housing for older residents and would comply with paragraph 127 of the Framework which requires development to optimise the potential of the site to accommodate and sustain an appropriate mix of development and would function well for the lifetime of the development.

Other matters

19. A further issue is that the Council cannot demonstrate a 5-year housing land supply. This means that in line with paragraph 11 of the Framework, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing planning permission. In this case, with the current absence of agreed mitigation measures to protect the SAC, these Framework policies indicate that planning permission should be refused.

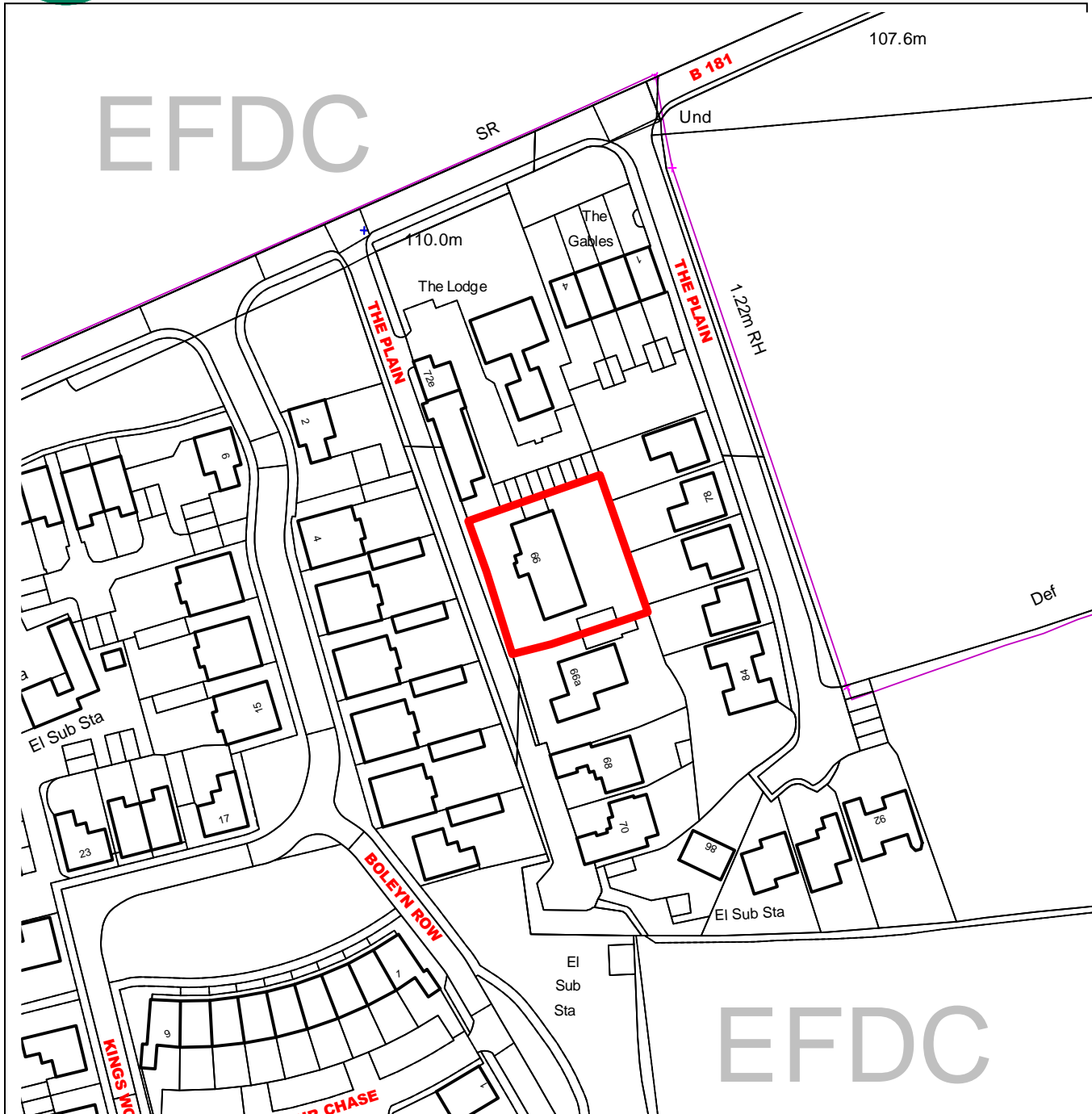
Conclusion

20. In conclusion, whilst I have found that the development would not be detrimental to the character and appearance of the area nor would it reduce the supply of housing for older people, I cannot be satisfied that the appeal proposal would not cause harm to the integrity of the SAC. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell



Epping Forest District Council



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Application Number:	EPF/0384/21
Site Name:	Wyldingtree, 66 The Plain Epping, M16 6TW
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/0384/21
SITE ADDRESS:	Wyldingtree 66 The Plain Epping CM16 6TW
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	c/o agent
DESCRIPTION OF PROPOSAL:	Demolition of existing bungalow and construction of 2x pairs of semi-detached houses with associated parking & gardens (Revised application to EPF/1111/19).
RECOMMENDED DECISION:	Grant Permission (With Conditions) Subject to Legal Agreement

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=648293

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

L9120 1 of 2, L9120 2 of 2, 2135/03,
2135/10C, 2135/11B & 2135/12, , 2135/17(materials)

Bat Survey report dated June 2019 and Preliminary Ecological Appraisal by T4 Ecology Limited dated March 2019,
Phase 1 Geo-Environmental Desk Study by Brown to Green reference 2263/Rpt 1v1 March 2019, Design and Access Statement
Tree Survey/ Arboricultural Method Statement report and Tree Protection Plan by Moore Partners Ltd ref MP/PLA/01 dated March 2019.
- 3 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 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. In such instances, 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.
- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
- 8 All windows in the upper floor side flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

- 9 Prior to the commencement of any works a bat scoping survey should be undertaken in accordance with guidelines from Natural England (or other relevant body). These should be submitted to the Local Planning Authority for approval. Should the surveys reveal the likely presence of bats or their breeding sites or resting places then dusk /dawn surveys should be undertaken in accordance with guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority for approval. Should the survey reveal the presence of bats, or their breeding sites or resting places an appropriate and proportionate detailed mitigation and compensation strategy must be written in accordance with any guidelines available from Natural England and submitted to EFDC for approval. Should a Natural England European Protected Species Licence (EPS) be required then this should also be submitted to EFDC for approval. The licence will get granted if the activity conforms to the Habitats Regulations Regulation 53 Three Stage Test and Local Authority planning consent has been granted. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 10 The Proposed Development should be undertaken in accordance with the recommendations within section 5.2 of the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by T4 Ecology Ltd, dated March 2019.
- 11 Prior to first occupation of the development, a scheme to enhance the ecological value of the site in accordance with Annexe 4 of the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection by T4 Ecology Ltd, dated March 2019. shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 12 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging points will become activated; and
 - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.
- 13 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

- 14 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- 15 The proposed dwelling hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.
- 16 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 17 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Moore Partners Ltd drawing number MP/PLA/01 dated 29th March 2019 unless the Local Planning Authority gives its prior written approval to any alterations.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B, and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site contains a detached one-and-a-half storey chalet bungalow situated on the eastern side of the private road section of The Plain that serves a block of flats and five dwellings and runs adjacent to the rear of the New Kingswood Park Estate.

The site is located outside of the designated Green Belt in the very north-eastern part of Epping. To the immediate north of the site is the garage court serving a block of apartments known as The Lodge. There are residential properties on all other sides, including detached bungalows to the south.

The application site is located within the urban settlement of Epping. It is not situated within a conservation area nor is the dwelling listed, locally listed or a non-designated heritage asset.

Description of Proposal:

Permission is sought for the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings with a crown roof along with front and rear dormers. These would be laid out as two pairs of semi-detached properties, each measuring 6.3m in width, 11.3m in depth, and 9.15m to the top of the parapet wall. Materials include London stock brick finish with a slate roof. The windows will be white UPVC sash. Each property will have a front canopy over the front door in style of match the house.

Each dwelling would benefit from a single front and single rear dormer window set behind the parapet and be served by two off-street parking spaces and a rear garden area.

Relevant History:

Reference	Description	Decision
EPU/0053/55	Dwelling house	Approved
EPF/0989/79	Re-construction of four dormer windows and alterations to front storm porch	Permitted Development
EPF/1111/19	the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings	Refused
Reasons for refusal were: <ol style="list-style-type: none">1. The proposed development would see the loss of the chalet bungalow on the site. This is contrary to Policy H1(F) of the Epping Forest District Local Plan (Submissions Version) 20172. The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017 Appeal dismissed under reference APP/J1535/W/19/3239786 on grounds of the harm it would create to the integrity of the Epping Forest Special Area of Conservation and for no other reason. (A copy of the decision notice is attached to the bottom of this report.)		
EPF/2438/19	Demolition of an existing bungalow construction of x3 no. terrace houses and x1 no. chalet-style bungalow with associated parking & gardens.	Pending SAC

DEVELOPMENT PLAN

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

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

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP5 - Sustainable building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
CP9 – Sustainable transport
RP4 – Contaminated land
H3A – Housing density
DBE1 – Design of new buildings
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
NC1 - SPAs, SACs and SSSIs
NC3 - Replacement of Lost Habitat
NC4 - Protection of established Habitat

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

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

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

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

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

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
SP3 - Place Shaping	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 - Green and Blue Infrastructure	Significant

DM6 - Designated and Undesignated Open Spaces	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM17 - Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
P1 - Epping	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 31

Site notice posted: Yes

Responses received:

70 THE PLAIN – OBJECT due to overdevelopment, the impact on this unmade road, parking problems, and the impact on infrastructure. **78 THE PLAIN – Object** due to overlooking by the new houses, over development of the plot, loss of light and view to neighbours, increased noise, impact on parking within the surrounding roads, the environmental impact due to the proximity to the SSSI and the removal of trees that has already taken place, disturbance during construction, and due to a reduction in property value.

78 THE PLAIN – OBJECT Invasion of privacy, Over development. Blocking of light, increase in noise and disturbance; and will cause damage to the environmental conditions and biodiversity of the area.

80 THE PLAIN- OBJECT - This proposal of four 4-bedroom properties is out of scale and character in the narrow road it lies in and is excessively large and bulky.

The plans include 16 rear windows facing directly onto our short garden causing loss of privacy and blocking of light/view and increased sense of enclosure.

the scale of the development is extremely overbearing.

Increase in parking congestion and displacement

Parking insufficient

Air pollution mitigation strategy and CAZ have not been finalised or resolved.

Noise and disruption during the construction phase.

64 THE PLAIN – OBJECT loss of privacy in our garden and also in the living room which has a glass roof over part of the room. The windows on the side of the building as well as the third-floor windows are not acceptable as they will be looking directly into our garden/living room. Previously there were established trees along the border of the properties that added privacy that were cut down without consultation by the developer. This is significant over development of the site which will greatly increase traffic in front of our house.

82 THE PLAIN – OBJECT due to loss of privacy to themselves and future occupiers of the new dwellings, these are out of character with the street, loss of light and view, potential increase in noise, inadequate parking provision, and due to the detrimental impact on vegetation and wildlife.

2 KINGSWOOD PARK – OBJECT due to overdevelopment, insufficient car parking provision, height of buildings overlooking neighbours will detract from neighbour's privacy.

8 KINGSWOOD PARK – OBJECT the development was excessively high and dominant as the property will still be higher than the existing development. The appearance and fundamental features of the proposed development continue to be at odds with the character and appearance of "The Plain". Permission parameters for future applications should be limited to the refurbishment of the existing chalet bungalow, rather than its demolition and excessive re-development. This site is not a transition site given where it is located and given the existing built form. The Plain is not a proper road and cannot cope with the increase in traffic and parking which will accompany a doubling of the houses on site.

4 PYE GARDENS – OBJECT due to overlooking and loss of privacy and an increase in road congestion and reduction in road safety.

PARISH COUNCIL: OBJECTION:- Committee acknowledged that this is not a revised application to gain planning approval for a development of four houses on the site of a bungalow. This same application has been resubmitted to demolish the property at Wyldingtree, 66 The Plain was opposed by the Town Council, refused permission by Epping Forest District Council and the appeal was then dismissed by the Planning Inspectorate over a year ago.

This proposal which has been resubmitted is an overdevelopment of the site in terms of its height, scale, bulk and density, which would result in a detrimental effect on the street scene. The proposal will result in a loss of amenity for neighbouring properties in terms of invasion of privacy. The Committee acknowledge the two neighbours' objections which have been submitted.

There would not be enough parking provided for four houses. Epping suffers from extreme parking pressures and allowing additional residences with insufficient parking will exacerbate those parking problems and have a detrimental effect on the surrounding area, resulting in unsympathetic change.

This area is in a unique location on a private road. The design of the proposal will have a detrimental effect on the appearance of the properties around it, affecting the character of the street scene and the surrounding area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location, as they all follow a similar style.

The importance of bungalow accommodation has been recognised in the emerging Local Plan. The constant development of bungalows into multiple houses is eroding the stock of bungalows in a town where there is an identified need for people wishing to downsize, adversely affecting the mix of dwelling types available, contravening evidence and the emerging local Plan.

Committee are extremely disappointed to see this application return in the same format but a different planning application number as councillors have made it quite clear they do not wish to see such an overdevelopment of this site.

Relevant policies CP2 (iv), CP3 (v), CP7, DBE1, DBE2, DBE9, H3A, H4A (Adopted Local Plan) Emerging Local Plan H1A(ii) and (iii) DM9F and DM9F DM9J

NPPF Para 9.110 (c) 124, 127 (c).

EPPING SOCIETY OBJECT: We note that this is not actually a “revised application”, it is a resubmission. The Planning Inspectorate decision in January 2020 (APP/Ji535/W/19/3239786) was unequivocal. This development will impact on the forest. The recent discussions on the Epping Forest Special Area of Conservation and the Clean Air Zone have not been decided or confirmed in the Local Plan.

We feel this is still overdevelopment of the site. It is also inappropriate for the narrow cul-de-sac lane.

Main Issues and Considerations:

Principle of the development

Policy SP 2 of the LPSV indicates that additional ‘windfall’ sites will be permissible under Part B of Policy SP 2, within defined settlement boundaries.

The application site is located within the urban town of Epping within flood zone 1 (i.e. least likely to flood). The site also has no heritage designation attached to it. It would therefore meet the requirements of policy SP 2 in regard to where new housing should be located.

Background

This application is a resubmission of the refused scheme under reference EPF/1111/19 for the demolition of the existing chalet bungalow and the erection of four new two-and-a-half storey dwellings. That application was refused by members of the East Area Planning Sub Committee on the grounds that

1. The proposed development would see the loss of the chalet bungalow on the site.
2. The proposed new development would cause an unacceptable adverse impact on the character and appearance of the Plain as the design of two pairs of semidetached houses results in an excessively high, bulky and over dominant form of development which out of character with the existing street scene.

This application was then appealed under reference APP/J1535/W/19/3239786. The only grounds for dismissal related to the lack of an Air Pollution Mitigation Strategy.

The Planning Inspector found that:-

“The dwelling to be demolished is a large dwelling which has accommodation over two floors. Therefore, whilst bedrooms are provided on the ground and first floor, the scale of the accommodation with 7 bedrooms is unlikely to be appropriate to meet the needs of an ageing population.... In conclusion the development would not be detrimental to the supply of housing for older residents”

This issue therefore can no longer be justified as a reason for refusal. The proposal therefore was found not to conflict with policy H 1 of the LPSV.

In regard to the impact of the proposal on the character and appearance of the area. The Inspector opined that

“From the frontage of the appeal site it is possible to see the blocks of flats which are at the entrance to The Plain and are an imposing feature visible from several vantage points along the road. The Plain is characterised by a mix of dwelling types and styles, including both single and two storey. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.

11. The proposal would result in the replacement of the existing bungalow with two pairs of semi-detached two storey development, with rooms in the roof. Having regard to the mixed character and scale of development within The Plain, I consider the introduction of two storey development on the appeal site would not be out of character with the existing street scene. The introduction of semidetached development with its narrow vertical profile, emphasised by the inclusion of dormer windows in the roof space would not appear overly dominant or bulky and would represent a transition between the scale of the existing three storey flats and the detached two and a half storey dwelling, The Gable which is located at the northern end of The Plain beyond the appeal site.

12. In conclusion, the proposal would not result in harm to the character and appearance of the area. It would therefore comply with Policies DBE1, DBE2 and CP3 of the LP which require that new development respects the character of the locality and setting in terms of scale, proportion and massing and effect upon surrounding properties.”

Epping Forest Special Area of Conservation

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

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

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

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

Stage 1: Screening Assessment

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

The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

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

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

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

Trees

The application was reviewed by the Trees Officer who found the submitted Tree survey and Arboricultural Method Statement demonstrated that the health and stability of existing trees on the site would not be harmed. It is therefore considered that subject conditions suggested by the Trees Officer this application complies with the requirements of LL10 of the Local Plan.

Quality of residential accommodation proposed

All dwellings meet current internal space standards set out in the Essex Design Guidelines and National Technical Standards. They also provide acceptable levels of outlook and ventilation. All units meet amenity space standards required by Policy DBE8 of the Local Plan. The quality of the proposed accommodation is therefore considered acceptable.

Impact on the living conditions of neighbouring residential occupiers.

The proposed new dwellings would be situated immediately adjacent to a parking area to the north. To the south is a detached bungalow with an attached (former) side garage that forms the shared boundary and extends back to the end of the rear gardens. Whilst upper storey flank windows are proposed in the new dwellings these can be conditioned to be obscure glazed with fixed frames. Due to this there would be no immediate physical impact on the amenities of the immediately adjacent dwellings within this unmade lane.

To the rear of the application site are two storey dwellings situated within the adopted highway section of The Plain. The rear gardens of the new houses would be 10m long and new planting is proposed along the shared boundary. The neighbour's rear gardens are a minimum of 10m in depth, extending to 15m in places. As such the total window-to-window distance between the new and existing houses would be 20m-25m.

Whilst the Essex Design Guide recommends that a minimum window-to-window distance of 25m should be obtained, and a distance of 15m window to shared boundary should be achieved, in densely populated built-up areas such distances are often not achievable. Given that at present the two storey dwellings in the adopted highway section of The Plain are currently situated just 10m at their closest point from the existing rear boundary of the site and other properties within the unmade section of The Plain, assumedly without causing a detrimental loss of amenity through overlooking, it is considered acceptable for the proposed two-and-a-half storey houses to be situated 10m and 1.5 storey bungalow to be situated 8.5m away from the same shared boundary without causing significant loss of privacy to these neighbouring residents. Additional landscaping could be sought by condition to ensure additional screening is achieved for the benefit of both existing and future residents.

The distance between the front windows of the proposed dwellings and the rear boundaries of properties in Kingswood Park is some 14m and again would not be considered unacceptable in this location.

The distance between the new dwellings and all shared boundaries would be sufficient to ensure that there is no undue loss of light or outlook to neighbouring residents. Some objections have been received about the loss of the existing open view as a result of the development, however there is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have been raised about potential additional noise nuisance through the provision of four new dwellings in place of the existing chalet bungalow. Whilst it is accepted that there would be some additional vehicle and pedestrian movements and general activity on the site as a result of the redevelopment, given the context of the site (including the 132 dwellings erected on the

adjacent former hospital site), it is not considered that this would cause any significant additional impact.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works can however be secured by way of a condition in order to minimise any detrimental impact on neighbours during construction.

Highways:

Several objections have been raised about insufficient parking provision on the development. The ECC Vehicle Parking Standards requires two off-street parking spaces for any 2+ bed dwelling, which is being provided on the site.

Furthermore, given the location of the site within the urban town of Epping and its proximity to sustainable transport links and various facilities, therefore this provision is considered acceptable.

This section of The Plain is privately owned. Concern has been raised about the detrimental impact that the development would have on capacity and road safety both within The Plain itself and at its junction with Epping Road. Essex County Council Highways have raised no objection to the development. It is not considered that the additional traffic associated with this small development would cause any significant additional harm to traffic or highway safety and, as stated above, sufficient off-street parking provision is provided to ensure that there would not be excessive overspill onto on-street parking within the locality.

Furthermore, the Planning Inspector for the dismissed appeal under reference EPF/1111/19 made a visit to the site prior to the completion of his decision letter and did not raise any objection to this position.

A condition is required to ensure that an electric charging point is provided for each of the new dwellings to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District in accordance with policy T 1 of the LPSV.

Ecology

Policies DM 1 and DM 2 of the LPSV require that new development avoids harm to existing trees, green infrastructure, precious habitat and species; strengthens the biodiversity assets of the District; addresses the impacts of development on landscape character and geodiversity and provides for open spaces for people and other species to thrive.

A bat survey report dated June 2019 and Preliminary Ecological Appraisal dated March 2019 has been carried out by T4 Ecology Limited who found evidence of bats within the existing building; they therefore recommend further dusk dawn surveys to be carried out by licensed bat worker to determine the extent of the bat population, and whether a European Protected Species Licence is required, if bats are discovered a third survey would be required and mitigation designed accordingly.

This report recommends a range of mitigation, compensation and enhancement measures to ensure obligations are met including: -

- Trenches covered over at night to protect radiating mammals;
- A check should be made for nests if construction work is carried between March and September.
- Enhancements should include permeable boundaries such as tree lines and hedgerows.in addition to leaving hedgehog gaps in any new fencing.

- Provides a list of planting species which will enhance biodiversity on the site.

These requirements should therefore be attached as conditions to any permission to ensure compliance with NC 3 and NC4 of the Local Plan and DM1 of the LPSV.

Conclusion:

The previous appeal decision under reference EPF/1111/19 for a very similar development was only dismissed on the grounds that at the time there were no agreed mitigation measures to protect the Epping Forest SAC. The Council has now endorsed the Air Pollution Mitigation Strategy and the submitted appropriate assessment accords with its requirements. The Council is therefore satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

The Inspector also overturned the other reasons for refusal on the grounds that: -

"I have found that the development would not be detrimental to the character and appearance of the area nor would it reduce the supply of housing for older people."

These issues therefore can no longer be justified as reasons for refusal.

The proposal will not cause excessive harm to the amenity of neighbouring dwellings. Sufficient parking has been provided for this sustainable location and no objections have been raised by the Highways Authority in relation to highway safety.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and the completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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

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

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



Appeal Decision

Site visit made on 7 January 2020

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st January 2020

Appeal Ref: APP/J1535/W/19/3239786

Wyldingtree, 66 The Plain, Epping CM16 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Manor Properties (Bishop Stortford) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1111/19, dated 25 March 2019, was refused by notice dated 4 September 2019.
 - The development proposed is demolition of existing bungalow and construction of 2 x pairs of semi-detached houses with associated parking and gardens.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Although not a reason for refusal, the effect of the proposal on the Epping Forest Special Area of Conservation (SAC) is potentially a determinative issue. Therefore I have elevated this matter as a Main Issue.

Main Issues

3. The main issues are the effect of the development on:
 - the Epping Forest Special Area of Conservation;
 - the character and appearance of the area;
 - the supply of housing for older residents.

Reasons

Epping Forest Special Area of Conservation

1. The appeal site comprises a detached chalet bungalow located on the eastern side of the private road, The Plain, which serves a block of flats and five dwellings. The site is adjacent to New Kingswood Park Estate, with the rear elevation of the properties facing towards the appeal site.
2. The appeal site lies within the 3 km zone identified by Natural England as being likely to result in harm to the Epping Forest Special Area of Conservation (SAC) due to increased leisure use and an increase in traffic impacting on air pollution. The area was designated due to the presence of three qualifying habitats and one species, namely Atlantic beech forest, European dry heaths,

<https://www.gov.uk/planning-inspectorate>

Northern Atlantic wet heaths and the Stag beetle. The conservation objectives are to achieve the favourable conservation status of these qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats, the population and distribution of the qualifying species and the supporting processes on which it relies.

3. Given that the proposal is for 3 additional houses, and its proximity to the SAC there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a significant effect on the habitats site.
4. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
5. The Council has agreed with Natural England that developments should contribute £325 per dwelling to mitigate against the harm the proposal will bring to recreational receptors within the SAC and the parties have agreed a financial sum. Natural England has identified that there is an agreed project that would address the effects associated with the proposed development and relieve pressure on the SAC. Whilst the appellant has indicated that they are willing to pay this contribution I have not been provided with a signed and dated Unilateral Undertaking making provision for the required contribution.
6. In terms of air pollution, Natural England has advised that all new development in the district has the potential to increase air pollution unless appropriate mitigation is provided. The Council is working with Natural England and other neighbouring authorities towards establishing a mechanism for collecting contributions that would be used to offset any potential impact because of air pollution on the SAC, and a Mitigation Strategy which would identify specific measures or projects.
7. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives. However, in the absence of an agreed mitigation strategy to overcome the in-combination effects that have been identified in respect to air quality and the lack of a mechanism to secure the contribution to mitigate the impacts of recreational pressure, I cannot be satisfied that the appeal proposal would not result in significant adverse effect to the integrity of the SAC. Had such mitigation been in place, I would have sought clarification from the main parties on this matter and, if necessary, undertaken an Appropriate Assessment in order to consider the implications of the development on conservation objectives. However, this avenue is not available to me.
8. Based on a precautionary approach and the evidence before me, I conclude that the appeal scheme would be likely to have a significant adverse effect on the integrity of the SAC due to the potential increased disturbance through recreational activity and increase in air pollution. The proposal would therefore fail to comply with the requirements of the Regulations as well as Paragraph 175(a) of the Framework which states that where significant harm to

biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused. Moreover, it would also fail to comply with policy NC1 of the Epping Forest District Local Plan 1998/2006 (LP) and policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version (LPSV) which together seek to ensure that development does not adversely affect Special Areas of Conservation.

9. However, I am not aware of the status of any unresolved objections to the LPSV and therefore having regard to paragraph 48 of National Planning Policy Framework (the Framework), I afford the emerging policy only limited weight in my assessment.

Character and Appearance

10. From the frontage of the appeal site it is possible to see the blocks of flats which are at the entrance to The Plain and are an imposing feature visible from several vantage points along the road. The Plain is characterised by a mix of dwelling types and styles, including both single and two storey. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
11. The proposal would result in the replacement of the existing bungalow with two pairs of semi-detached two storey development, with rooms in the roof. Having regard to the mixed character and scale of development within The Plain, I consider the introduction of two storey development on the appeal site would not be out of character with the existing street scene. The introduction of semi-detached development with its narrow vertical profile, emphasised by the inclusion of dormer windows in the roof space would not appear overly dominant or bulky and would represent a transition between the scale of the existing three storey flats and the detached two and a half storey dwelling, The Gable which is located at the northern end of The Plain beyond the appeal site.
12. In conclusion, the proposal would not result in harm to the character and appearance of the area. It would therefore comply with Policies DBE1, DBE2 and CP3 of the LP which require that new development respects the character of the locality and setting in terms of scale, proportion and massing and effect upon surrounding properties.
13. In addition, the Council's decision notice refers to emerging policy DM9 of the LPSV. Amongst other things this seeks to promote high quality design. However, I am not aware of the status of any unresolved objections to the LPSV and therefore having regard to paragraph 48 of National Planning Policy Framework (the Framework), I afford the emerging policy only limited weight in my assessment.

Supply of housing for older residents

14. The evidence before me indicates that the profile of the population within the District is getting older and that there has been an erosion of the Council's stock of bungalows, which play an important role in meeting the housing needs of such residents. This evidence is not disputed by the appellant. Policy H1 of the LPSV specifically seeks to resist the loss of bungalows in order to ensure an appropriate mix of accommodation types is maintained. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups of the community, including older people.

15. However, the dwelling to be demolished is a large dwelling which has accommodation over two floors. Therefore, whilst bedrooms are provided on the ground and first floor, the scale of the accommodation with 7 bedrooms is unlikely to be appropriate to meet the needs of an ageing population.
16. The layout of the proposed dwellings includes separate living rooms on the ground floor which could provide bedroom accommodation on the ground floor if required. Policy H1 of the LPSV also requires new homes to be accessible and adaptable as defined by Building Regulations, therefore I consider the proposed dwellings would still provide a level of accommodation which would be appropriate to meet the needs of an aging population.
17. Therefore, whilst there is some conflict with parts of emerging Policy H1, I am not aware of the status of any unresolved objections to the emerging plan and therefore with regard to paragraph 48 of the Framework, I afford the conflict with these emerging policies only limited weight in my assessment.
18. In conclusion, the development would not be detrimental to the supply of housing for older residents and would comply with paragraph 127 of the Framework which requires development to optimise the potential of the site to accommodate and sustain an appropriate mix of development and would function well for the lifetime of the development.

Other matters

19. A further issue is that the Council cannot demonstrate a 5-year housing land supply. This means that in line with paragraph 11 of the Framework, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing planning permission. In this case, with the current absence of agreed mitigation measures to protect the SAC, these Framework policies indicate that planning permission should be refused.

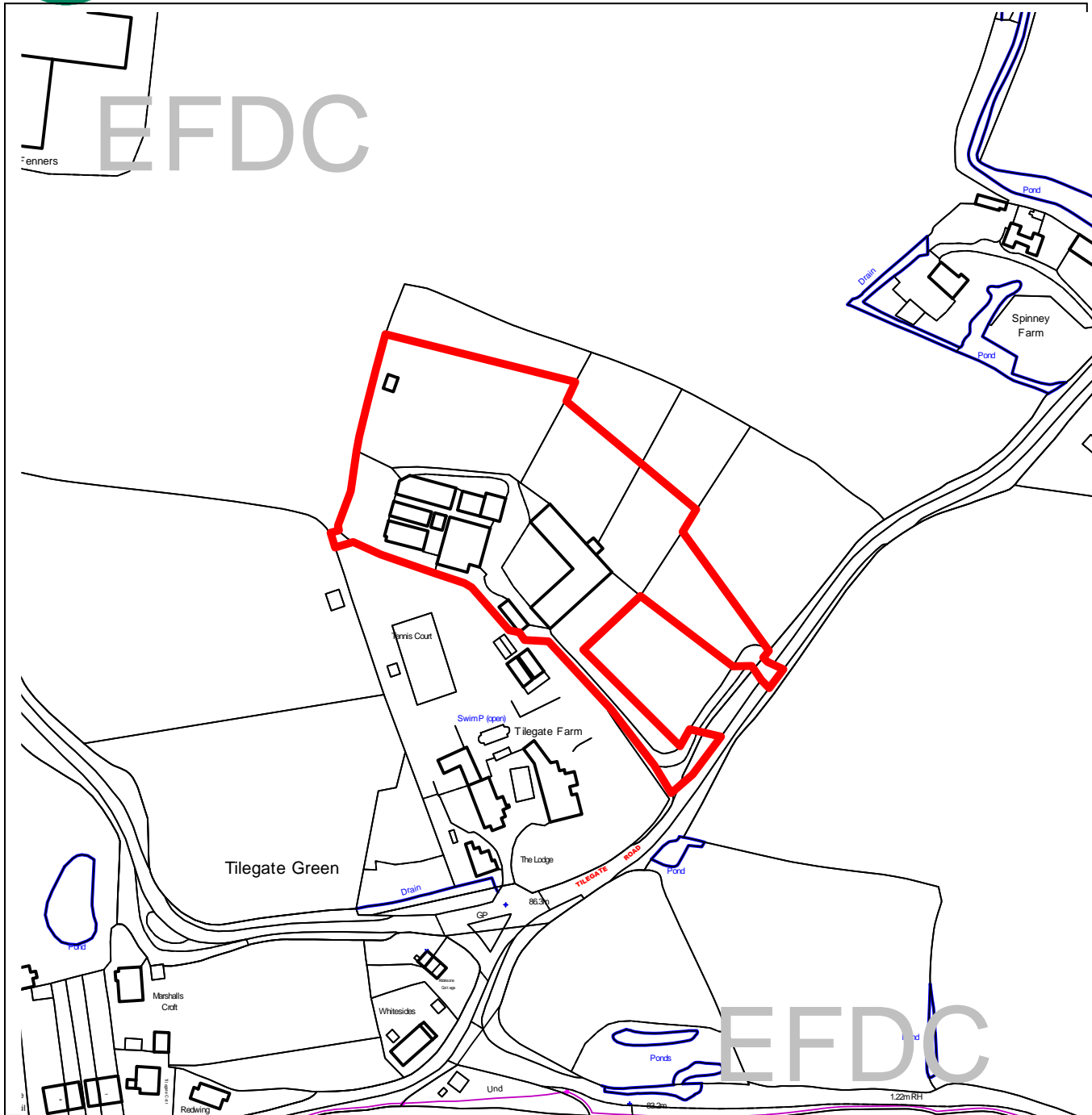
Conclusion

20. In conclusion, whilst I have found that the development would not be detrimental to the character and appearance of the area nor would it reduce the supply of housing for older people, I cannot be satisfied that the appeal proposal would not cause harm to the integrity of the SAC. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell



Epping Forest District Council



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Application Number:	EPF/3231/21
Site Name:	Tilegate Farm, Tilegate Road High Laver, CM5 0EA
Scale of Plot:	1:2500

Report Item No: 13

APPLICATION No:	EPF/3231/21
SITE ADDRESS:	Tilegate Farm Tilegate Road High Laver Ongar CM5 0EA
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr and Mrs C Sullivan
DESCRIPTION OF PROPOSAL:	Application for Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).
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=661062

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of permission EPF/1052/17 dated 01.06.2017.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

(02)003 F - Proposed Site Plan
(02)020 A - Proposed Main House Floor Plans
(02)024 A - Proposed Main House Elevations
(02)030 # - Proposed Garages and Tractor Store
(02)031 # - Proposed Garage and Tractor Store Elevations
(02)040 # - Proposed Annexe, Ground First and Roof Plans
(02)041 # - Proposed Annex Elevations
- 3 No construction works above ground level relating to the 'main house' 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.
- 4 The flood risk assessment and management and maintenance plan measures approved under application EPF/0307/19, approved 29.05.19 shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 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 for the 'main house' / the remaining unbuilt elements, 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.

- 6 The development hereby approved shall be implemented in accordance with the foul and surface water disposal details approved under application EPF/0307/19, approved 29.05.19.
- 7 Development shall take place in accordance with details approved under application EPF/0307/19, approved 29.05.19 relating to wheel washing or other cleaning facilities for vehicles leaving the site during construction works. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 8 Hard and soft landscaping shall be carried out in accordance with details approved under application EPF/0307/19, approved 29.05.19.

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.

- 9 Screen walls, fences or such similar structures shall be erected in accordance with details approved under application EPF/0307/19, approved 29.05.19 and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.
- 10 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, D, E, F of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Address

Tilegate Farm, Tilegate Road, High Laver, Ongar, CM5 0EA.

Description of Site

The application site is located on Tilegate Road which is within the settlement of High Laver.

The site originally comprised industrial storage buildings and a stable building which were situated to the north west of the main building at Tilegate Farm.

The site is accessed from the main public carriageway via a private access road.

The application site is located within the Metropolitan Green Belt and it is not within a Conservation Area.

Background

In June 2017 planning permission (EPF/1052/17) was granted for three residential units plus annexes and outbuildings.

Over the period March 2018 to October 2019 planning permission EPF/1052/17 was amended by way of six Non Material Amendments (NMAs).

The approved development is being built out and the 'two houses' are complete.

The current Section 73 Minor Material Amendment application seeks permission for a further amendment to planning permission EPF/1052/17.

If the current application is approved a new planning permission will be created which will grant permission for the original EPF/1052/17 scheme as amended by the subsequent NMAs and the further amendment proposed by the current application.

Description of Proposal

Application for Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

The submitted application form states:

"We wish to change the drawings relating to the design detail of the main house following on from previous non material amendment. The changes tweak the floor layout to be a more rectilinear plan and the elevations to suit, resulting in a lower ridge height, narrower overall width and reduced floor area over the previous drawings."

The existing drawings are (02)003 Rev E Proposed Site Plan, (02)020 Proposed Main House Floor Layouts and (02)024 Proposed Main House Elevations.

These will be substituted with drawings (02)003 Rev F Proposed Site Plan, (02)020 Rev A Proposed Main House Floor Plans and (02)024 Rev A Proposed Main House Elevations."

Relevant History (006988)

NMAs	Reference	Decision
NMA1	EPF/0417/18	Approved 14.3.18

NMA2	EPF/2826/18	Approved 25.10.18
NMA3	EPF/3354/18	Approved 11.01.19
NMA4	EPF/0674/19	Approved 12.4.2019
NMA5	EPF/1336/19	Approved 24.06.19
NMA6	EPF/2526/19	Approved 25.10.19
Conditions		
Discharge of Conditions 4, 6, 7, 8 and 9 of EPF/1052/17.	EPF/0307/19	Approved 29.05.19
Discharge of Conditions 3 and 5 of EPF/1052/17	EPF/3232/21	Approved 02.02.22

EPF/1052/17 - Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus granny annexe and outbuilding together with reconfiguration of access road and landscaping – Approved 01.06.2017.

Policies Applied

The following saved policies within the Council's adopted Local Plan (1998) and Alterations (2006) are relevant:

CP1 – Achieving Sustainable Development Objectives
 CP2 – Protecting the Quality of the Rural and Built Environment
 DBE4 – Design in the Green Belt
 DBE9 – Loss of Amenity
 ST4 – Road Safety
 LL1 – Rural Landscape
 LL9 – Felling of Preserved Trees
 LL10 – Adequacy of Provision for Landscape Retention
 LL11 – Landscaping Schemes
 DBE1 Design of new buildings
 RP4 Contaminated land
 U3B sustainable drainage
 DBE8 private amenity Space
 ST6 vehicle parking standards
 ST1 Location of development
 ST2 Accessibility of development
 H1A Housing Provision
 GB2A – Development in the Green Belt
 GB7A – Conspicuous Development

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan Submission Version) 2017 (LPSV):

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

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

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

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

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

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

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

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

SP1: Presumption in Favour of Sustainable Development

H1: Housing mix and accommodation types

DM4: Green Belt

DM9: High Quality Design

DM10 Housing Design and Quality

Consultation carried out and summary of representations received

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – Objection:

“Objection to Full Planning Application: EPF/3231/21

We object to this application for a Minor Material Amendment, being Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

Grounds for our Objection:

Very significant difference from the original application granted (EPF/1052/17) to this Minor-Material Amend application. These changes relate to scale of the development, site coverage, building heights and involved tweaks to the application site (red line) boundary. Section 73 refers.

- *Incorrect Plan information is being provided in this application In the original granted application - EPF/1052/17, the plans detailed by number in Condition 2 are: 3598_SK: 01A, 02A, 03, 101A, 102A, 201.1A, 201.2A, 202.1A, 302A, 202.2A, 401A, 301A,202.3A. This application (EPF/3231/21) refers to plan reference numbers which have been created within Non-Material Amendments. They do not relate to the plans in Condition 2, EPF/1052/17.*
- *Agent Claims a 4 sqm reduction. The replacement plans show the main house with an overall floor area increase of approx. 58 % over and above the original granted permission EPF/1052/17 and an increase of about 19% on the footprint of the main building. These increases are all Non-Material Amendments and progress from being a Rectangle (EPF/1052/17), changed to a "T" shape (EPF/2826/18), adding a basement thereby immediately increasing the overall floor area by 33%. This "T" shape changes to "H" shape (EPF/2526/19) and (EPF/3231/21) reverts to a Rectangle.*
- *Overdevelopment in the Green Belt. This is a major incursion into Green Belt Land. The original 'brownfield' site was about 20% of the field area, the remainder of the field being Green Belt land. Recent Non-Material Amendment plans show the entire development to have enlarged to about 70% of the original field area, Green Belt land. 70% of the already built or proposed houses are now on Green Belt land and no longer on the original 'previously developed' land.*
- *The Red Line has progressively been moved. On recent plans, the position of the red line differs from that on EPF/1052/17 and furthermore now also shows development outside of the red line.*
- *Highway Issue – EFDC Previously Closed Entrance - Unsafe. Access to the highway EPF/3231/21 shows 2 highway access entrances to this development. The newly re-opened Highway access (created by a non-material amendment) was not on the original granted application EPF/1052/17. It is in an unsafe position and was closed as a condition on EPF/0637/01 for highway safety reasons.*
- *The impact of this development on the adjacent listed building has not been considered.*

We also believe that this new Full Planning Application is incomplete as it does not provide many of the reports generally required in a Green Belt application. We request that these be provided prior to this application being considered. This, in our opinion, should include a full Contamination Report as EPF/1223/2000 plans clearly show that there was a Piggery on this site (see attached image).

Additionally, since EPF/1052/17 was granted, thousands of tonnes of waste material have been imported into this site (without planning permission or a license) to create bunds. (See attached photos)

We request that all Permitted Development Rights are removed, should the application be approved."

10 Neighbours consulted. 1 objection received:

Mr Padfield:

"This document refers to the Eastern Tilegate Field which is half of the residential development of 9.5 acres of Green Belt land in Magdalen Laver granted under delegated powers by Epping Forest District Council Officers.

The Applicant Colin Sullivan (CK Properties) and his Agent Danny Simmonds are prominent property developers within the area of Epping Forest District Council, they are well known to the Senior Planning Officers.

The relevant Planning Applications are:

Application Number	Development Description	Application Date	Decision Date
<u>EPF/1052/17</u>	Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus granny annexe and outbuilding together with reconfiguration of access road and landscaping	11/04/2017	01/06/2017
<u>EPF/0417/18</u>	Non-material amendment to planning application EPF/1052/17 - Slight adjustments to the position of the buildings within the curtilage of the site.	09/02/2018	14/03/2018
<u>EPF/2826/18</u>	Application for Non-Material Amendment to EPF/1052/17 to reorient approved buildings and alterations.	15/10/2018	25/10/2018
<u>EPF/3354/18</u>	Non-material amendment to EPF/1052/17 - Adjustment to the positions of the 'two houses' within the curtilage of the site and minor alterations; slightly amending the spacing between them and the orientation.	14/12/2018	11/01/2019
<u>EPF/0307/19</u>	Application for Approval of Details Reserved by Conditions 4, 6, 7, 8 & 9 for EPF/1052/17. Condition 4:-"flood risk assessment and management and maintenance plan", 6:- "details of foul and surface water disposal", 7:-"wheel washing or other cleaning facilities", 8:-"full details of both hard and soft landscape works (including tree planting)", 9:- "details of screen walls, fences or such similar structures".	04/02/2019	29/05/2019
<u>EPF/0674/19</u>	Application for a Non-Material Amendment to EPF/1052/17 for the architectural detailing of annexe elevations to show a higher quality of detailing in line with the other buildings on site, sleeping indicated to a proposed first floor. Adjustment to the fenestration of the two houses to simplify glazing.	14/03/2019	12/04/2019
<u>EPF/1336/19</u>	Adjustment to the positions of the main house, 'two houses', annex and tractor store within the curtilage of the site amending spacing and orientation to better suit a single private estate. Adjustment to the design of the 'two houses' to give a simplified timber barn aesthetic and maintain the same design across both barns whilst amending the floorplan to include a utility room.	23/05/2019	24/06/2019
<u>EPF/2526/19</u>	Application for a Non-Material Amendment to EPF/1052/17 for adjustments to the design & layout of the main house within a slightly reduced footprint. Adjustment to the design of the Annexe elevations & unify the overall design aesthetic. Adjustment to the position & design of proposed tractor store to match the footprint & architectural style of the Annexe.	21/10/2019	25/10/2019

The site history shows that the Applicant has deliberately and fraudulently provided erroneous information to the Council and that all this information has been accepted without question by Officers. The Applicant, well known to the senior officer, has uniquely received an advantage outside all planning guidance and Council Policy. This not once or twice but multiple times over the fourteen applications which make up the Green Belt Development of Tilegate East and Tilegate West.

In summary, the errors made by EFDC Officers in granting the original permission and the following section 96A amendments are as follows.

Officers failed to check the floor area of the existing buildings

Officers Allowed hard standing less than a year old to be counted as Previous Developed Land

Officers did not question the erroneous heights of the existing buildings which were later used as a benchmark for the new development.

Officers ignored their own officers advice and allowed the development to proceed without any Contamination Conditions.

Officers did not require any Wildlife, Environmental or Arborological Reports or apply any Conditions

*Officers did not abide by its duty to consider the setting of the two listed buildings.
Officers gave permission under Delegated powers to a development of which 70% stretches into what was open grassland in the Green Belt.*

Officers did not properly if at all consider their own Employment Policies E4A and E4B

Officers deliberately circumvented the Councils Constitution to deny the Parish Council's right to have the Application decided by Plans East Committee

Officers Allowed Permitted Development Rights as there was a "reduction in the built form"

Officers did not consider a contribution towards Affordable Housing despite it was an issue flagged up by the Applicant

Officers granted the Approval of Details Reserved by Conditions contrary to the clear advice of their own specialist officers

Officers failed to follow Consultee advice on Flood Risk Assessment / Foul and Surface Water

Officers failed to follow Consultee advice on Hard and soft landscaping

Officers Failed to follow Consultee advice on the Bunding and on the Tennis Court

Officers misused the Non Material Amendment procedure and neglected their statutory duty to report

Officers granted six 96A Non Material Amendments four of which included moving the red line boundary away from the previously developed site into the Green Belt.

The requirement to reconsider the whole planning issue is reinforced by the companion application EPF/3232/21 where the belated (three years late) application on condition three is rejected by the Conservation Officer, the reason for the condition was :

"in order to ensure the proposed works preserve the special architectural and historic significance of the setting of the adjacent listed buildings, in accordance with policy HC12 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 of the Local Plan Submission Version 2017, and the NPPF 2021."

In addition EFDC - Environmental Health - Contaminated Land is shown as a Consultee. The significance is that if these consultations are a requirement of EPF/3232/21 they certainly must also be of EPF/3231/21 and therefore logically are also all those already listed above.

In fact NONE of the original conditions in EPF/1052/17 have been abided by.

EPF/3231/21 is an Application under section 73 of the Town and Country Planning Act 1990 for development without compliance with original conditions /minor material amendment.

The Applicant erroneously states:

“Minor-Material Amendment application for the above scheme (REF EPF/1052/17) in the form of a variation to Condition no 2; approved drawings. This application is considered to simply change the design detailing of the Main house and as such no new planning permission would be created by the changes.”

Government Guidance states:

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.”

Government Guidance on S73 further states:

“Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.”

Therefore, in considering this application for a new stand-alone planning permission Officers are required to consider all the issues neglected in the previous Applications in addition to any changes brought about by the current Submission Version of the Local Plan which would include a Sustainability Report and the Epping Forest HRA report, not forgetting consideration of the revised NPPF.

This EPF/3231/21 Application does now give EFDC an opportunity to right all the previous admitted errors which have desecrated 10 acres of Green Belt in our Parish. EFDC should by using its powers to revoke the existing planning permissions under section 97 of the Town and Country Planning Act 1990 rid us of this fraudulently obtained permission.”

Officer response to objections

The current assessment is limited to consideration of the amendments to the main house proposed by the current application.

Planning permission EPF/1052/17, as amended by the subsequent non-material amendments (most recently EPF/2526/19), is the current extant planning permission which has been implemented by way of construction of two houses.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the living conditions of neighbours, the design of the dwellings in relation to their setting, highway issues, tree and landscaping issues and any other material planning considerations.

Green Belt

The Officer's Report for the EPF/1052/17 applications stated the following on the subject of Green Belt impact:

“The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development in the Green Belt should be refused planning permission unless very special circumstances can be demonstrated which clearly outweighs the harm caused.

However paragraphs 89 and 90 of the NPPF give certain exceptions to inappropriate development, one of which is the:

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

The first stage of this exception is to consider whether or not the site constitutes previously developed land which is:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Clearly from the definition of previously developed land, agricultural buildings are excluded and so cannot be used within this exception to inappropriate development. In this case Planning permission was granted in 2001 (EPF/0637/01) for the change of use of 'Unit 1' as designated on the submitted location plan from an agricultural use to a B1 use and as such there are no questions which arise regarding its use. Around this time, the other units on the site were also converted into industrial units, albeit without obtaining planning permission. Based on the submitted statement from the applicant as well as the comments from neighbours within this application, it is considered that these units are indeed and have been in a B1/B8 storage use when beyond the normal 10 years and therefore have existing use rights.

The buildings are therefore considered to constitute previously developed land and the first stage of this exception to inappropriate development is satisfied. The second part of this exception is to consider whether the proposal will cause any greater impact on the openness of the Green Belt or the purposes of including land within it.

The buildings currently on the site have a floor area of approximately 2000sqm. The new dwellings will be around 1004sqm. As openness is achieved through the absence of development, the reduction in floor space will improve the openness of the Green Belt and therefore fits comfortably into this exception to inappropriate development.

Given the net reduction in built form in the Green Belt it is not considered necessary to remove any Permitted Development Rights for the new dwellings, which should only be done in exceptional circumstances.

The proposal is not considered to be inappropriate development and is compliant with Local and National planning policy. “

Current application:

The amendments proposed by the current application will not have a materially greater impact on the Green Belt than the development already approved by extant permission EPF/1052/17 (as amended by the subsequent NMA approvals).

The proposed development therefore remains acceptable in Green Belt terms.

However, given the number of amendments to the original scheme that have been approved, it is now considered appropriate to include a condition removing permitted development rights in order to ensure no further structures or extensions can be added to the development without planning permission being sought.

Design

The Officer's Report for the EPF/1052/17 applications stated the following on the subject of Design:

"The dwellings are set well back from the main public carriageway and as such will not have any meaningful relationship with the street scene. This is somewhat against the existing pattern of development in the locality whereby most residential properties have a relationship with their closest public carriageway. However the area is characterised by a sporadic area of development and there are indeed examples of dwellings set back from the road such as Willowfield located to the west. It is therefore considered that the pattern of development is not excessively harmful to the character or appearance of the area.

In terms of their detailed design, the proposed dwellings are reasonably conventional in their appearance and their scale, bulk and massing is respectful to other dwellings in the area. A condition regarding materials to be agreed by the Local Planning Authority can ensure a high quality finish."

Current application:

The current application proposes an amended design to the main house which remains acceptable.

Details of materials for the 'two houses' have now been approved under application EPF/3232/21.

In the event of approval, a condition will be attached requiring submission of materials details for the 'main house'.

Living conditions of neighbours and standard of accommodation

The Officer's Report for the EPF/1052/17 applications stated the following on the subject of Living conditions:

"The new dwellings will offer a good standard of living accommodation and relate well to each other. They are set away from existing neighbours and therefore it is not anticipated there will be any harm to their living conditions. Indeed, currently the site is used for business purposes, which is considered to cause a greater level of disturbance and harm than the new proposed use."

Current application:

The amended scheme as proposed by the current application does not change the above conclusion on living conditions.

Highways and parking

The Officer's Report for the EPF/1052/17 applications stated the following on the subject of Highways:

"The new dwellings will utilise an existing access which raises no concerns from the Essex County Council Highway engineer and the level of parking is suitable."

The amended scheme as proposed by the current application remains acceptable in this respect.

Land Drainage

Planning permission EPF/1052/17 included conditions relating to Flood Risk Assessment (4) and foul and surface water drainage (6).

Both Conditions were discharged under application EPF/0307/19, approved 29.05.19.

Contaminated Land

The Officer's Report for the EPF/1052/17 applications stated the following on the subject of Contamination:

"There is potential for contaminants to be on site. However, the applicants agent through their lawyers have demonstrated that the contamination threat is on the adjacent site, outside of the application red/blue line. Therefore the cautionary condition is more appropriate in this case. "

Condition 5 of planning permission EPF/1052/17 was the cautionary contamination condition.

As part of the EPF/3232/21 conditions discharge application the applicant stated that no contamination had been found during the construction of the 'two houses'.

In the event of approval, the cautionary contamination condition will be attached in relation to construction of the 'main house' / the remaining unbuilt elements.

Setting of Listed Buildings

The adjacent site has two grade II listed buildings, however, the redevelopment of this site will not harm their setting.

Conclusion

Recommended for approval, subject to conditions.

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

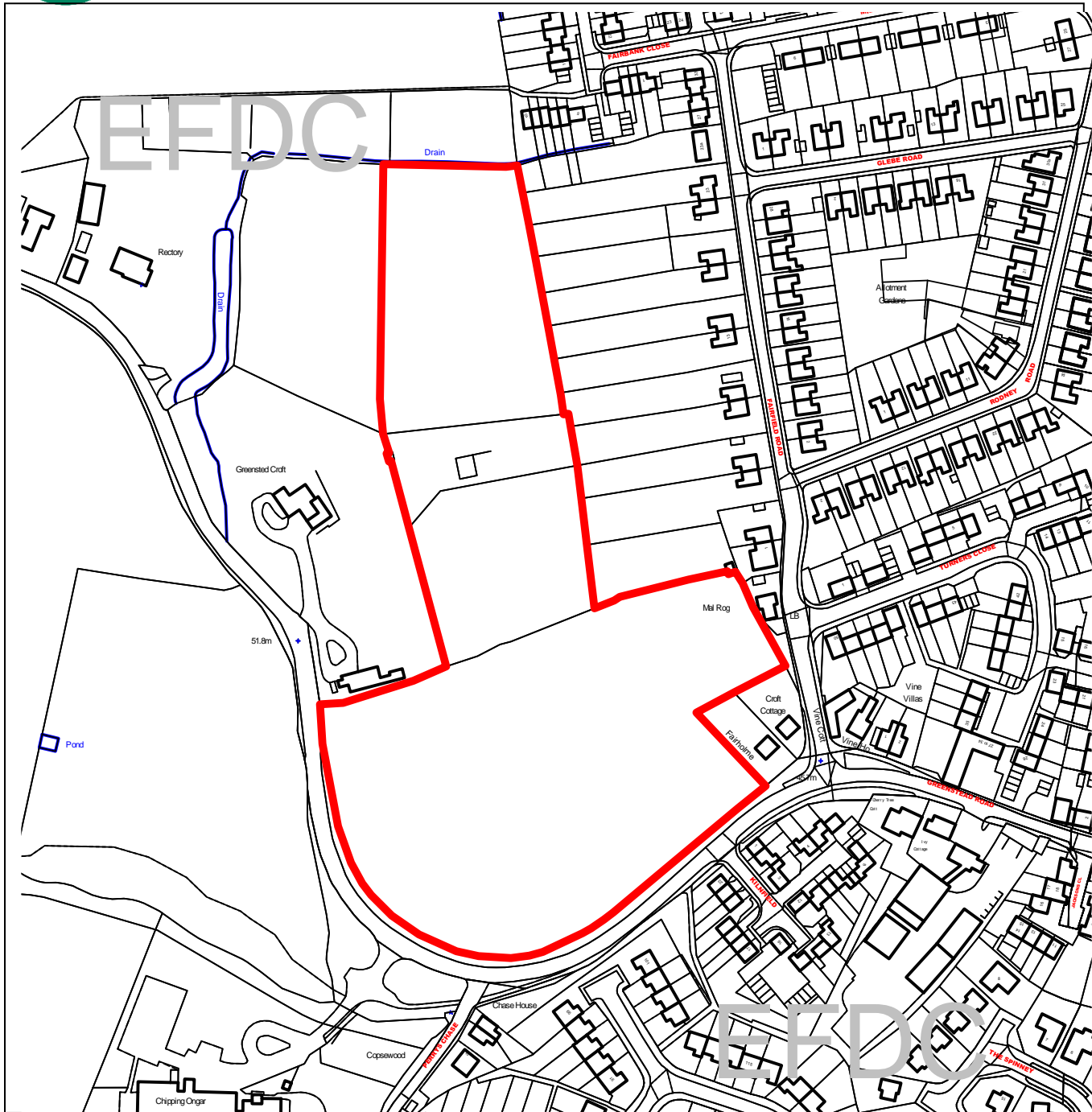
***Planning Application Case Officer: Kie Farrell
Direct Line Telephone Number: 01992 564248***

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

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Epping Forest District Council



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Application Number:	EPF/2627/20
Site Name:	Land at Greensted Road Chipping Ongar, CM5 9LA
Scale of Plot:	1:2500

Report Item No: 14

APPLICATION No:	EPF/2627/20
SITE ADDRESS:	Land at Greensted Road Chipping Ongar CM5 9LA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr and Mrs P Heaney
DESCRIPTION OF PROPOSAL:	Construction of a residential development comprising of 95 units, together with open space, car parking & landscaping.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=644596

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: FIH_001, 10, 12, 13, 30, 31, 050, 110H, 105A, 110A, 115A, 120A, 125A, 130C, 135A, 140A, 145A, 200A-215A inclusive, 325B, 326C, 327B, 328, 800, and proposed street views Rev A.
- 3 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of the affordable housing units shown on the approved plans and required by the associated legal agreement accompanying this permission.
- 4
 - i. No development or preliminary groundworks can commence until a programme of assessment has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.
 - ii. A mitigation strategy detailing the excavation strategy shall be submitted to the local planning authority following the completion of this work.
 - iii. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
 - iv. The developer shall submit to the local planning authority a post excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post- excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

- 5 Prior to any above ground works, details of levels shall 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.
- 6 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.

- 8 A construction environmental management plan (CEMP:Biodiversity) shall be submitted to and approved in writing by the local planning authority. This should include, but is not limited to, precautionary working methods enabling mitigation of any potential impacts on retained habitats hedgerows and trees, nesting birds, bats, reptiles, great- crested newts, badgers and Priority species (Hedgehog).
The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones'
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
- 9 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.
- 10 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with the Flood Risk assessment accompanying the application, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - ii. In case the infiltration is proven to be unviable the peak discharge from the site is limited to 3l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event. The surface runoff from northern catchments would be limited to 1.2l/s and peak discharge from southern catchment would be limited to 1.8l/s for all storm events up to and including 1 in 100 year plus 40% climate change allowance. All relevant permissions to discharge from the site into any outfall should be demonstrated.

iii. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

iv. Final modelling and calculations for all areas of the drainage system.

v. Detailed engineering drawings of each component of the drainage scheme.

vi. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

vii. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented in accordance with the agreed details prior to occupation.

- 11 No works shall take place until a scheme of enhancement measures until a detailed survey of the watercourse at the northern site boundary to ascertain its condition and any local flood risk issues, and details of enhancement measures inclusive of natural flood management to the existing watercourse crossing the site has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- 12 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Hedgerow Regulations Assessment Report (D F Clark, November 2020), Great Crested Newt Impact Appraisal (Greenwillows Associates Ltd, June 2021), Ecological Impact Assessment: Reptiles (Greenwillows Associates Ltd, June 2021) , Ecological Impact Assessment Bats (Greenwillows Associates Ltd, October 2021), The Technical Note: Biodiversity Metric v3.0 Calculations for Change in Hedgerow Biodiversity Units (Greenwillows Associates Ltd, October 2021) and the Site Plan Amended 22/09/2021 (BB Partnership LTD) as already submitted with the planning applications and agreed in principle with the local planning authority prior to determination.
- 13 Prior to the commencement of development other than groundworks, confirmation shall be provided that either:
1. Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.
- 14 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
- Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;

- c) The process and the triggers for identifying when additional passive charging points will become activated; and
- d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

15 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

16 Prior to commencement of commencement of slab level works, A Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal and Hedgerow Regulations Assessment Report (D F Clark, November 2020), Great Crested Newt Impact Appraisal (Greenwillows Associates Ltd, June 2021), Ecological Impact Assessment Bats (Greenwillows Associates Ltd, October 2021), The Technical Note: Biodiversity Metric v3.0 Calculations for Change in Hedgerow Biodiversity Units (Greenwillows Associates Ltd, October 2021) and the Site Plan Amended (BB Partnership Ltd). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measure s;
- e) details of initial aftercare and long- term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter

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

- 18 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 19 Prior to the commencement of above ground works, details of the position, design, materials and type of all boundary walls, fences and other means of enclosure to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 20 Prior to commencement of any above ground works, details of all external lighting shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No additional external lighting, including any lighting within the curtilage of any dwelling within the development shall thereafter be installed without prior consent from the local planning authority.
- 21 Prior to the commencement of above ground works, full details of provision for cycle shelters and refuse storage shall be submitted to and approved by the local planning authority. The works as agreed shall be fully implemented prior to the occupation of the dwellings the facilities serve, and shall be thereafter retained in perpetuity for the intended purpose.
- 22 No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority
- 23 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 24 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 25 All material excavated from the below ground works hereby approved shall be removed from the site, unless retention and re-use is agreed as part of any landscaping scheme approved for the site.

- 26 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 27 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of any dwelling in the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five- year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details
- 28 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 29 Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.
- 30 Prior to the first occupation of the development the developer shall implement the works as shown in principle on RPS drawing no.JNY9376-04Rev A, with all details being agreed with the Highway Authority, and to include but not limited to the following:
- i. Undertake reasonable endeavours to relocate the 30mph speed limit approx. 55-60m to the north, to coincide with the start of the development, with new signage and gateway features either where it is now or at the new location;
 - ii. The provision of a new bell mouth access, with a minimum of 6m radii and new 2m wide footway from the site to tie into the existing footway to the east;
 - iii. Minimum 75m visibility splays, clear to ground level, to be provided from the access and all the uncontrolled pedestrian crossing points;

- iv. The implementation of a pair of pedestrian dropped kerb crossing points, with tactile paving, across the bell mouth of Fairfield Road/Greensted Road and a pair across Greensted Road between the new access and Kilnfield; Provision of a shared pedestrian/cycle access to the east of the site onto Fairfield Road;
- v. Provision of a new uncontrolled pedestrian crossing point to the south west of the site with new footway to the school;
- vi. Provision of any TROs considered relevant for the site e.g. Parking restrictions around the new bell mouth etc.

The approved details shall be fully implemented in consultation with the local highway authority in accordance with a phasing plan to be submitted and approved by the Local Planning Authority prior to said first occupation.

- 31 Prior to the first occupation of any dwelling within any individual phase indicated on drawing number FIH_145A, the vehicle/cycle parking and turning areas to the properties in that phase as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 32 Prior to the first occupation of the proposed development, the Developer shall submit a residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation .It shall be accompanied by an annual monitoring fee of £1,500 (one thousand five hundred pounds index linked) to be paid to Essex County Council.
- 33 Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation per dwelling -of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, for use with the relevant local public transport operator. This will be at no cost to the occupier.
- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes B, C, E and F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 35 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written agreement of the Local Planning Authority.

AND SUBJECT TO A SUITABLE LEGAL AGREEMENT to deal with matters set out in detail in the report in relation to financial contributions relating to education, library and health care provisions, open space and green infrastructure enhancement, community facilities, air quality mitigation in the EFSAC, highway improvements and monitoring fees.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises around 3.45ha of open land to the west of Ongar. The site comprises mostly scrubland with areas of hedging along the boundaries and through the centre of the site. There is a gated access into the site from Fairfield Road, but otherwise road frontage is enclosed by established hedging.

The area to the east of the site lies within the designated settlement, at this point adjoining properties comprise predominantly two storey houses, as do the more modern developments to the south. Built development to the west is more sparse with a limited ribbon of dwellings immediately west and Chipping Ongar Primary School to the south west.

The site lies on moderately sloping ground, falling west to east. The site and much surrounding land currently lies within the Green Belt, but the site is allocated for residential development as site ONG.R5 in the Local Plan Submission Version. One oak tree on the northern part of the site is subject to a Tree Preservation Order, and an intermediate pressure gas pipeline runs east-west across the main southern half of the site.

Description of Proposal:

The application has been amended on a number of occasions since submission. The scheme now before Members comprises 95 dwellings of which 76 are houses and 19 are flats in blocks of no more than 6 units. The overall dwelling mix consists of 29 x 1 bed, 21 x 2 bed, 30 x 3 bed and 15 x 4 bed, with buildings no taller than three floors. The scheme delivers an agreed, policy compliant, affordable housing provision of 39 dwellings comprising affordable rental dwellings (18 x 1 bed, 8 x 2 bed and 5 x 3 bed) and affordable intermediate dwellings (5 x 1 bed, 3 x 2 bed).

Built form takes its influences from the local area and the Essex Design Guide. Materials include a broad mix of finishes common to the area – brick, cladding and render to main walls, slate and tiles to roofs. A broad mix of house types seeks to provide variety across the site in form and finish, buildings are configured to provide maximum natural surveillance of the roads and public areas.

The site layout is informed by a number of site constraints including existing on site infrastructure and landscape, drainage and biodiversity requirements, and accessibility. A new vehicle site entrance is proposed on the Greensted Road frontage which creates a north south primary route through the site with dwellings fronting the northern section, the southern end is more broken by shorter internal routes. Pedestrian and cycle access is proposed on the eastern and western boundaries to create a route through the site designed as a shared surface to link existing routes to the east to the town to the Primary School and wider rights of way beyond.

Other key elements include sustainable drainage features including a balance pond at the lowest part of the site and enhancements to the existing drainage channel including a biodiversity area. Play areas are proposed in the eastern corner of the site and in the northern area, and the pedestrian cross route will feature seating and social spaces – dwellings around such public spaces are designed to include an element of natural surveillance. Wider landscape proposals include new hedgerows and management of existing hedgerows with native species and tree planting and landscape improvement to public areas.

The applicant's submission includes commitments to incorporating measures to meet sustainability objectives, including measures to minimise energy and water use, minimise external lighting impacts and to accord with energy conservation objectives.

The application is accompanied by a number of supporting documents which have evolved through the application process. These include:

- Arboricultural Assessment
- Archaeological Assessment
- Agricultural Assessment
- Contaminated Land Assessment
- Ecological Impact Assessment (including Hedgerow review, reptile surveys and bat surveys)
- Energy and Sustainability Statement
- Flood Risk Assessment
- Habitat Regulations Assessment
- Health Impact Assessment
- Landscape Design Statement
- Transport Assessment

Relevant History:

None

Policies Applied:

Adopted Local Plan:

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

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

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP5	Sustainable buildings
CP6	Achieving sustainable urban development patterns
CP7	Urban form and quality
CP9	Sustainable transport
GB2A	Development in the Green Belt
GB7A	Conspicuous development
GB16	Affordable housing
NC1	SPA's, SAC.s and SSSI's
NC3	Replacement of lost habitat
NC4	Protection of established habitat
NC5	Promotion of nature conservation schemes
RP4	Contaminated land
RP5A	Adverse environmental impacts
H3A	Housing Density
H5A	Provision of affordable housing
H6A	Thresholds for affordable housing
H7A	Levels of affordable housing

H8A	Availability of affordable housing in perpetuity
H9A	Lifetime Homes
U1	Infrastructure adequacy
U2B	Flood Risk assessment Zones
U3A	Catchment Effects
U3B	Sustainable drainage systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE4	Design in the Green Belt
DBE5	Design and layout of new development
DBE6	Car parking in new development
DBE7	Public open space
DBE8	Private amenity space
DBE9	Loss of Amenity
LL1	Rural landscape
LL3	Edge of settlement
LL7	Planting protection and care of trees
LL10	Adequacy of provision for landscape protection
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST4	Road safety
ST5	Travel plans
ST6	Vehicle parking
I1A	Planning Obligations

NPPF (July 2021):

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

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and 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
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM17	Protecting and enhancing watercourses and flood defences
DM18	On site management of waste water and water supply
DM19	Sustainable water use
DM20	Low carbon and renewal energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P4	Site selection process – Ongar
D1	Delivery of Infrastructure
D2	Essential facilities and services
D3	Utilities
D4	Community, Leisure and Cultural Facilities
D5	Communications Infrastructure
D6	Neighbourhood Planning

Ongar Neighbourhood Plan

The Ongar Neighbourhood Plan has recently completed Regulation 16 consultation and examination of the plan would be expected to take place soon. The Council has made representations under the consultation after extensive discussions with the Ongar Neighbourhood Plan Community Group (ONPCG). As such the plan can be given some weight in determining the application. The following specific policies have been considered:

ONG-RR3	Housing Mix and Standards
ONG-RR4	Broadband
ONG-ED1	Local Character and Design
ONG-ED4	Sustainable Design
ONG-ED5	Natural Environment
ONG-ED6	Landscape and Amenity Buffer Zones
ONG-CT3	Transport and Movement
ONG-CT4	Infrastructure priorities
ONG-CT5	Footpaths and Cycle Routes

Consultation Carried Out and Summary of Representations Received

Date of site visit: Various

Number of neighbours consulted: 145

Site notice posted: 03 December 2020

Responses received: Objections have been received from 52 identified addresses and 11 who gave e-mail addresses only. In addition, a petition signed by 568 people has been received.

Properties submitting objections have been identified as under:

Great Basons, BANSONS LANE
10 BANSONS WAY
59 COOPERS HILL
5, 6, 9, 10 17A and 27 FAIRBANK CLOSE
1, 5, 9, 17, 19, 23, 23a, 28 and 29 FAIRFIELD ROAD
1, 8 and White Cottage GREENSTED GREEN
Chase House and The Orchard GREENSTED ROAD
192a HIGH STREET
18 and 48 KETTLEBURY WAY
8 and 18 KILNFIELD
26 LONGFIELDS
24 and 36 MILLBANK AVENUE
1 and 8 OAKLAND MEWS
40 and 46 ONSLOW GARDENS
Oakwood and Willow Cottage, PENSONS LANE
190 RIVERSIDE CLOSE, LONDON
1, 2, 4, 6, 32 and 34 RODNEY ROAD
11 THE MOAT, TOOT HILL
13, 14 and 47 TURNERS CLOSE
46, 61, 67 and 85 WOODLAND WAY

Objections have also been received from Fairfield and Fairbank RA, CPRE Essex and Ongar Neighbourhood Plan Community Group. Comments cover a range of issues:

- Surface water, drainage and flooding issues – comments on existing surface water flooding issues in low lying areas to the east and concerns that development will exacerbate this. Concerns are raised at the capacity of the wider drainage network to accommodate additional demand.
- Ecology concerns – concerns at the loss of existing ecological assets from the site and the adequacy of measures to secure appropriate replacement and net gain.
- Green Belt issues – existing status of the site within the Green Belt and, the impact on the wider Green Belt both in terms of the impact on the openness and precedent for future development.
- Affordable housing provision – comments recognise the need to provide an appropriate level of affordable housing in a development of this scale, at the time responses were made, objectors were unclear that such provision would be made.
- Density and built form – there are concerns that the development is not consistent with the settlement, and amounts to urbanisation.
- Building heights – the building typology, of two and half and three storey is not consistent with the wide area, concerns that the development would be prominent due to its elevated position.
- Housing Mix – the development is not consistent with the local housing mix where demand is predominantly for 3 bedroom homes, the proposals are not consistent with this.
- Parking – concern that the scheme is under provided for parking, falling below the Essex Design Guide parking standards, in a location not well served by public transport and may lead to ad hoc parking causing hazards to pedestrians, emergency vehicles and overspill parking.

- Traffic movements – concerns around sightlines at the site entrance and impact of increased traffic volume, particularly at main junctions. Volume of traffic may also cause conflict with school activity at peak times.
- Neighbour amenity – issues around direct amenity impacts (overlooking and overshadowing, loss of outlook etc, and noise and disturbance from future occupiers.
- Pressure on local services – concerns that development would place additional pressure on local schools, surgeries and public spaces.
- Conflicts with Ongar Neighbourhood Plan – housing mix, character, sustainable design, habitat protection, movement
- Matters relating to issues outside material planning considerations – construction disturbance, property values etc.

Officers have sought to address these matters in the Main Issues section of the report below.

In addition, 3 responses supporting the application have also been received, from 18 FAIRBANK CLOSE, Fairholme GREENSTED ROAD AND 59 KETTLEBURY WAY. These residents support the provision of new housing, one commenting on existing high house prices in particular. The balancing pond and green spaces are seen as thoughtfully paced seen as a positive addition to the site, and the measures to reduce traffic speeds approaching the town, both through the relocation of the speed limit and the visible presence of housing.

Parish Council: Ongar Town Council have submitted a detailed response, reproduced in full below:

The Council main concern is that this development has been insufficiently publicised, and a development of this magnitude must have public consultation and more than twenty one days to comment. OTC are concerned that this development will be out of character with the rural setting of Ongar and will exacerbate flooding and traffic/highways issues.

*This development is not in line with Emerging Ongar Neighbourhood plan;
Policy ONG RR3 Housing Mix and Standards,
ONG-ED1 - Local Character,
ONG-ED3 Sustainable Design,
ONG-ED4 Environment, with the loss of habitat being a real concern,
ONG-CT3 - Movement*

The key points are;

*Density
Height, Housing Mix/type
Insufficient Parking
Flooding Increased
Traffic*

Density

The density of housing on this site is not in keeping with other residential areas in Ongar, with the character of Ongar and the rural setting. The average density in Ongar is 24 dwellings per hectare. Some areas of this development have a density of 150 dwellings per hectare which raises the average to an unacceptable rate.

Height, Housing Mix and type

The 3-storey tall buildings are not in keeping with the character of Ongar and the rural and open setting. The site is on a hill and the height and massing of the development will be very visible and overbearing on the rural setting and neighbouring properties and would appear very urban.

The housing mix is not in keeping with the demand for housing in Ongar as stated in the EFDC local plan. There are not enough family sized homes to suit local need which is for 3 bedroomed family sized houses with parking and a garden. There is a lack of reasonably sized private amenity space. Single occupancy flats/dwellings are not suited to be among family homes due to different lifestyles. Ongar has little employment, poor public transport, and limited night life to suit young people or singletons.

Insufficient Parking

There are insufficient car parking spaces for the proposed occupancy. Parking allocation has reduced from 1.75 per dwelling on the original proposal to 1.67 despite the original advice in the Design and Access statement, the First Quality Review, that there should be a Parking allocation of 1.8. The Essex Design Guide and National parking standards gives an allocation of 2 spaces per 2 bedroomed property. The lack of parking spaces would lead to cars being parked in places not intended for car parking, spoiling the street scene and causing possible hazards to pedestrians, difficult access for emergency vehicles and refuse collection lorries, and the likelihood of parking in neighbouring streets which would cause problems for neighbouring residents and highway safety issues.

There is no additional allocation for visitor parking.

There needs to be better understanding of the reliance on cars for residents of Ongar due to the poor public transport provision and lack of local employment.

Flooding

There will be an increased risk of flooding. Ongar regularly has flooding issues on most roads used to enter or exit the town. Greensted Road is often impassable for those in a standard vehicle. Neighbouring properties experienced flooding of their gardens and this will be exacerbated. The removal of vegetation and the concreting of this site will surely lead to increased flooding unless mitigation measures are included, and a full assessment carried out. There is nothing to show that the developer has addressed the provision for overflow of the water drainage into the pond nor its protection to prevent children falling into it.

Increased Traffic

There are serious concerns regarding the increased traffic using Greensted Road, which is very narrow and has poor visual sightlines in places, due to trees and hedges. The development is close to the school, and associated pedestrians and parked cars. The road is regularly used by cyclists and horse riders. Lorries and vans, too large for the road width, often use the road as a cut through causing numerous problems for other road users. The increase of up to 200 additional vehicles from the development using a road and junction where there are already safety concerns has not been addressed.

Conclusion

OTC wish to oppose this development in its current form for the above reasons. Additionally, there was very little time given to residents and local bodies or organisations to examine the very many documents accompanying this application. There was no public consultation or consultation with Ongar Town Council which would have prevented some of the key points regarding the fact this development does not support the character of Ongar and the rural location.

As with similar resident comments above, these matters are addressed below.

Main Issues and Considerations:

Submission Version Local Plan (LPSV)

In considering the merits of the application, Members should have in mind the significance of the site in the Submission Version Local Plan in broad terms, and in respect of future development in Ongar in particular.

Members will be aware of the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. This leaves the Council vulnerable to development coming forward in locations where it should otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Council has worked with neighbouring authorities to establish how these needs can be met while recognising differing environmental, policy and infrastructure constraints to arrive at a local requirement of around 11,400 homes. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies around 590 of the required homes are identified as being delivered in Ongar.

The site allocation process seeks to meet these targets across the District. These allocations take account of the location of each site and its surroundings in terms of built character. If all of the allocated sites delivered the number of dwellings identified, this would meet the allocation. Of itself, this is significant in the context of Ongar as it would relieve any pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted. There will of course be flexibility in this, some sites may not quite deliver the full allocation (as is the case with this application), but minor shortfalls may be balanced by small scale windfalls from redevelopment of previously developed land within or adjacent to the settlement, thereby strengthening controls outside the settlement.

Thus, the early delivery of an allocated site, particularly with a level of development that is close to the allocation has significant benefit in housing delivery terms which should not be underestimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

Ongar Neighbourhood Plan

Consultees raise the issue of the consistency of the development with the Ongar Neighbourhood Plan (ONP). As referred to above, the ONP is at a relatively early stage of its process and in accordance with paragraph 48 of the NPPF should be given limited weight. Any Neighbourhood Plan is required to be consistent with the statutory development plan for the District, in a similar way in which the District Councils Local Plan document is required to be consistent with national planning policy. The Council's representations under the Regulation 16 consultation raise some issue around the reliance in the ONP on the existing adopted Local Plan and Alterations and the resultant need to give greater priority to the LPSV.

Notwithstanding, officers have assessed the relevant policies in the ONP and consider development would be consistent with the broad principles of the plan as they are currently set out, including policies on pedestrian access and movement, sustainable development, enhancements to the natural environment and landscape, infrastructure provision and broadband

provision. Other matters are for more subjective judgement as part of the application process, but the more advance LPSV should be given primacy in those considerations.

Green Belt

As members consider the application at this meeting, the existing adopted Local Plan and Alterations remains the statutory development plan until such time as the LPSV formally replaces it. It is necessary therefore to address the broader context of the existing site allocation within the Green Belt.

In this context, the key issues are relatively clear – a proposal for new residential development would be considered inappropriate and therefore harmful to the Green Belt and would have an adverse impact on its openness. Substantial weight is given to this harm. Thus, the application must be considered in the context of paragraphs 148 and 149 of the NPPF 2021 which state that such development should only be approved where very special circumstances exist, which will not exist unless potential harm resulting from the development, particularly harm to the Green Belt, is clearly outweighed by other considerations.

The Green Belt Review as part of the Local Plan process recognised the need to review Green Belt boundaries in order to meet other plan objectives for housing delivery. The removal of sites and allocation for development recognises opportunities to promote settlement rounding in a lower performing Green Belt location immediately adjacent to the settlements. The LPSV recognises that the site assessment establishes that it meets the criteria in the site selection process as appropriate to remove the site from the Green Belt.

Paragraph 48 of the NPPF makes clear that policies at an advanced stage in the preparation process can be given increased weight taking account of the following issues – the stage the emerging plan has reached in the process, the extent of any objection to the allocation and the degree of consistency with the NPPF. Officers are satisfied that all these criteria are met – the LPSV is at a very advanced stage in the preparation process, there are no changes to the allocation of the application site before the Inspector in the main modifications submissions, and the plan is consistent with the NPPF in terms of policies to protect the wider Green Belt.

Officers also consider that the proposal would not set a precedent for development in the Green Belt, other than in the case of other sites proposed to be allocated for removal from the Green Belt in the LPSV. Officers conclude therefore that very special circumstances exist in that the site is to be removed from the Green Belt through its allocation within the LPSV. As a result of the site's removal from the Green Belt, any harm to the Green Belt would be greatly reduced and thus outweighed.

In broader terms, it should be noted that the LPSV is altering Green Belt boundaries and allocating land for a significant number of new homes in order to meet identified future housing requirements and is critical to the Council's obligation under the NPPF in maintaining provision of a five year housing land supply.

Drainage

Local flooding issues have been raised in consultations responses and there are identified issues particularly on lower ground to the east around Cripsey Brook, but concerns around surface water run-off as a result of alterations to the character and form of the land are recognised. The site lies within Flood Zone 1 (outside extreme flood extent) features an existing ditch which runs east across the wider southern part of the site and along the eastern boundary which drains surface water from Greensted Croft and agricultural land to the west, A drainage channel also extends along, but outside the northern site boundary and is culverted immediately east of the site.

A detailed Flood Risk assessment and Drainage Strategy accompanies the application. This records that around 65% of the site area is retained as permeable soft areas, and that opportunities exist to use permeable materials on some of the hard surface areas (parking spaces in particular). The report notes that there are established routes where surface water crosses the site which is at low risk of flooding, other than in the extreme south-eastern corner.

In order to address concerns a number of measures are incorporated into the application proposals. These include finished floor levels to buildings designed to prevent water penetration; retention and enhancement of the existing ditch to include a culvert where the access road crosses this ditch, and incorporating natural flood management measures to provide depressions to slow the flow of surface water through the channel; attenuation storage through the formation of a no-build swale at the lowest point on the site to provide water storage capacity at peak times, with appropriate flow control measures.

These measures have been developed in extensive consultation with Essex County Council as Lead Local Flood Authority and the Council's Environmental Protection and Drainage Team subject to conditions, which are included within the officer recommendation.

Design, scale and built form

The development has been the subject of a lengthy design process which has included two Quality Review Panels. The site layout is influenced by a number of specific constraints – a gas main crossing the site, highway access requirements, drainage issues above and ecology considerations amongst them. The site also presents a number of opportunities, principally the opportunity to provide a safe pedestrian route across the site to Chipping Ongar Primary School for those living north east of the site and also providing a connection to existing public rights of way which abut the school entrance. These factors, taken cumulatively with on site infrastructure requirements limits the developable area.

Notwithstanding, the application proposes a development which reflects the local character and built form. Properties primarily comprise two storeys, some with rooms in the roof space in the form of both dormers and gabled roof spaces and a limited amount of three storey flatted blocks are included mainly in the centre of the site. A broad mix of detached, semi-detached and terraced housing is proposed across 12 different house styles with a mix of brick, render and cladding finishes, introducing variety in built form across the site. All dwellings are designed to meet National Prescribed Space Standards. Houses have private gardens, the central flatted blocks include balconies in addition to ground level communal areas. Public amenity areas include open spaces at strategic points including play areas, a larger area at the centre of the site and a smaller local provision in the northern section. The cross route for pedestrians is designed to incorporate suitable seating areas for pedestrians using the route.

Officers are persuaded that the proposals represent an appropriate response to the site constraints. The overall scale of the buildings is not inappropriate to the location either in terms of the overall site levels and the general scale and character of the surroundings. The pattern of buildings, including detached, semi-detached and terraced housing and some flats is entirely consistent with the wider settlement, and in the immediate vicinity (including some examples at higher density – Turners Close, Kilnfield for example).

Parking and access

Provision of a new vehicle access from Greensted Road has been recommended by the Highway Authority. The existing entrance in Fairfield Road is constrained and could not provide adequate turning and visibility splays to safely serve this level of development. The siting of the access has been carefully designed to maximise sightlines and will entail some removal of the existing hedgerows for visibility – this is considered further below.

Associated highway works are required which can be secured through conditions and s106 contributions (see below). In highway safety terms, this includes relocating the existing 30mph speed restriction on Greensted Road (which current starts around 25m west of the school entrance) to a point some 60 metres further back, to a point sufficient far from the site access and the pedestrian access from the development site.

In terms of traffic generation, the Highway Authority has reviewed the submitted Traffic Assessment and accepts the analysis therein which concludes the development would not have a significant impact on traffic generation and congestion in this location or on the wider highway network, such that development is not considered detrimental to highway safety, capacity or efficiency.

The provision of parking includes minimum of one allocated space for each dwelling, with the larger units being allocated two spaces. All properties with allocated spaces will be provided with access to electric vehicle charging points. A total of 8 visitor parking spaces are provided, and a total of 84 cycle parking spaces are indicated, principally for flats and in public spaces.

This provision falls short of what would be recommended by the Essex Parking Standards but that shortfall is relatively modest, around 10% in residents parking, but the Highway Authority is not opposing this aspect of the application. The Highway Authority also see measures such as a residential travel plan, residents travel pack and improvements to local bus stops, including introduction of real time bus information displays, as appropriate means of addressing such a shortfall.

Officers agree with this approach, management of parking expectation is a key way in which to promote more sustainable travel patterns in new development. The scheme proposes a balance between primary vehicle access and development quality. Additional parking within a development which accords the site allocation in terms of unit numbers can only be provided at the expense of other key elements of the development in the wider context.

Neighbour amenities

In terms of direct amenity impacts, built development is located in such a way that immediate neighbours are not significantly impacted. Two dwellings abut the south east corner of the site, fronting Greensted Road, which are surrounded by open land, the balancing swale to the west and open space to the north. Properties to the south in Kilnfield present their flank elevation to the main road, and in Kettlebury Way are screened by existing trees as this road has no access at this end.

Properties in Fairfield fall into two groups – those at the southern end with short gardens abut open space. Those abutting the northern end of the site benefit from long rear gardens which were extended onto former agricultural land abutting the site, subsequently being granted planning permission in 2018. As a result, these gardens are some 60 metres long, sufficient to minimise any potential concerns around overshadowing, overlooking and overbearing appearance. A new hedgerow is to be planted along the entire length of this boundary and the flatted blocks are a minimum of 12 metres from this boundary.

In broader terms, the site is allocated for development and comments about loss of general outlook and visual impact would apply equally to any built development. Concerns at noise from dwellings and play areas would also equally apply to any scheme, the play areas have a limited local impact as would any such area, these are not intended to include lighting.

Noting that some form of development on the site is likely to come forward, officer cannot support that this scheme raises particular issues of harm to neighbouring occupiers.

Trees, landscaping and ecology

The principle tree within the site is the oak tree located on the northern part of the site. Measures are in place for its retention.

The principle change to the site will be in the removal of a section of the existing boundary hedgerow to provide the correct sight lines potentially has a significant effect unless adequate compensatory planting is introduced. The Landscape Strategy accompanying the application establishes a wide range of replacement landscaping particularly on the public entrances to the site, and in the wider ecological improvements areas. The scheme has developed, such that greater hedgerow retention than was first suggested is now proposed, including along the sections of the road boundary abutting private gardens.

The site also has a significant ecological function in the local context. The application includes a Preliminary Ecological Appraisal and Hedgerow Assessment, and further assessments and site surveys have been undertaken during the life of the application in relation to protected species. These submissions have been reviewed on the Council's behalf by the County Council Ecological Consultant.

The reports identify evidence of activity by Great Crested Newt primarily on the site peripheries. Protection measures are advocated during construction, and enhancement of habitat in any biodiversity enhancement scheme.

Bat surveys identified only one occasion when bats were present, principally using hedgerows for commuting and foraging. Any proposals will need to include enhancement of hedgerows to compensate those sections being removed for access purposes.

Hedgerow assessment includes proposals that will result in a net gain in hedgerow biodiversity of around 14%, particularly through introduction of new hedging towards the northern end of the site. Protection measures are included to prevent residents removing these. Further biodiversity gains are identified through the works at the centre of the site around the drainage channel and in the area of the balancing swale. Proposals for external lighting will also need to be considered in the context of the impact on established wildlife and biodiversity interests.

The Ecological advice is that development can make sufficient positive contribution to mitigate the impact of the development on local ecological interests. A series of conditions are recommended to achieve these objectives including detailed submission of enhancements, construction management plan to protect wildlife interests, and adoption of a landscape and ecology management strategy.

Impact on EFSAC

The site lies around 6.8km from the outer boundary of the core EFSAC area. As a result, it falls to be considered principally in terms of its air quality impact. A habitat Regulations Assessment was submitted to support the application. This identifies that development will result in increased vehicle movements through the protected area. This has been reviewed by the Council's consultants who confirm this increase in vehicular movements through the EFSAC would be as a direct result of the development proposals. However it is expected that the impact can be addressed through the EFD contribution mechanisms for residential developments, including EV charging and the contributions per unit. In this context the Council has completed its Appropriate Assessment under the Regulations, as under.

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

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

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

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

This application has been screened in relation to both 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 Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC. Therefore the proposal has the potential to result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

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

Stage 2: Appropriate Assessment

Atmospheric Pollution

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

of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Appropriate Assessment Conclusions:

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

Other mitigation requirements

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.

Discussions in relation to such impacts arising from the proposed development have resulted in a comprehensive range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

EDUCATION -Contributions sought by Education Authority to provide for increased demand for school places comprising:

- early years and childcare £197,934
- primary education £449,125
- secondary education £363,963

TOTAL £1,011,022

LIBRARIES – Contribution sought by County Council to improve Chipping Ongar library - £ 7,235

HEALTH – Contribution sought by Care Commissioning Group towards upgrade of Ongar Health Centre and provision of additional services - £45,870

OPEN SPACE & GREEN INFRASTRUCTURE – Range of measures to upgrade local facilities comprising:

- parks and gardens £36,456
- provision for young children £76,167
- natural and semi natural greenspace £36,456
- upgrade of LEAP facility adjacent to Primary School £3,895

TOTAL £152,974

COMMUNITY FACILITIES – provision of improvements to existing community facilities within Ongar, works to be determined as a result of similar pro rata contributions arising from other development sites - £96,162

EPPING FOREST SAC – contribution to delivery of air quality mitigation strategy - £31,825

HIGHWAYS MATTERS

- upgrade of A113 – £157,635
- improvements to bus stops at southern end of High Street to include raised kerbs, real time passenger information to northbound bus stop and new bus stop flag / pole – actual cost to be met.

- relocation speed limit to north including new signage / gateway features – actual cost to be met
- Travel Plan – annual monitoring fee of £1,500 (until one year after final occupation).

AFFORDABLE HOUSING – 39 units comprising Affordable rent: 5 x 3 bed, 8 x 2 bed, 18x 1bed and Intermediate: 3 x 2 bed, 5 x1 bed

MONITORING FEES – District and County Council monitoring fees

Delivery of the matters above will address concerns raised in consultation on local service pressures, and will ensure delivery of local facilities to serve the existing and future community.

Other matters

The Town Council raised a specific concern around the adequacy of consultation, particularly around the 21 day consultation period. Members will be aware that this 21 day period is the statutory minimum required to be given by law during which the Council cannot issue a decision. In practice, any response received during the life of an application is given the same consideration as any received during the initial period.

In terms of the applicants own pre-application consultations, these were compromised somewhat by the pandemic restrictions which prevented a public exhibition being held. The applicants report that a leaflet drop to 600 homes within a 400m radius of the site took place in October 2020 (ie immediately prior to submission) and produced 18 responses raising issues consistent with those submitted on the application consultation. The scheme was also subject to two Quality Review Panels, and the applicants advise discussions were held at an early stage with the ONP Community Group. Officers consider therefore that consultation has been sufficient for the application, and all substantive issues have been considered.

Initial assessment of historic records indicate the potential for multi-period archaeological deposits to be present on the site. As a result, an initial excavation of trial trenches followed by targeted open area excavation is called for, evidently at the early stages of site clearance. These requirements can be adequately addressed through condition.

An initial study for potential contaminants have not found any initial evidence other than superficial deposits at the southern end of the site. Records do not indicate any commercial uses on the site other than a former brickworks to the south east. The assessment has not considered any possible agricultural and livestock uses which may also present contamination potential, and a condition is recommended to allow for further assessment of this risk.

Thames Water have made a number of detailed comments which may impact the design of drainage, these matters can be dealt with by condition and informative. It should be noted that Thames Water have not objected to the development in terms of overall capacity within the wider drainage network.

Cadent Gas Ltd are responsible for the intermediate pressure gas pipeline crossing the site. Works in the easement zone for access to the pipeline are not permitted to include any structures. Initial concerns in this regard around Unit 8 and cycles stands in the public area have been dealt with through revisions and the scheme fully accounts for the location of the known pipeline.

Sport England were consulted on the application but noted the development was outside their remit as it does not involve any sport facility. Improvements to existing sports facilities in Ongar are considered in the contributions set out above.

The Crime Prevention Design Officer at Essex Police has advised that there are no major concerns from a designing out crime perspective and would be prepared to offer further advice on matters of details as the design progresses.

Conclusion:

The application brings forward an allocated site in the draft Local Plan with a level of development which meets a number of objectives in terms of housing delivery in the Ongar settlement and the wider District. Although the Plan has not been finally adopted, modifications currently before the Inspector do not propose any amendments to the site allocation, either in terms of housing numbers or site boundaries, so should be given significant weight. The delivery of this site at an early stage in the life of the plan will significantly reduce pressure for development on other, less suitable sites around the settlement.

Any development on a large site has the potential to create benefits and enhancements which need to be balanced against the compromises. Benefits arise from provision of a policy compliant level of affordable housing, the mix for which has been agreed with by Housing Officers, improvements to surface water drainage including flow control measures to manage discharge from the site, biodiversity, ecological and hedgerow improvements, and an agreed mitigation package to ameliorate impact on wider community infrastructure. Compromises arise from more subjective judgements on built form and parking. The shortfall in parking in comparison to the Essex Design Guide standards is only around 10% and is not opposed by the Highway Authority. The scale and density of the built form is not inconsistent with a site of the edge of an established town which features two to three storey buildings within the existing townscape. While the site lies at the higher end of the settlement, the scale of buildings are considered appropriate.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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