

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 11th May, 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, 11th May, 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:

Nominated Councillors to the Sub-Committee from the Appointment Panel 2021/22 and Councillors elected on 5 May 2022.

PLEASE NOTE THAT MEMBERS RE-ELECTED BEFORE THIS MEETING BEGINS WILL BE REQUIRED TO SIGN THEIR DECLARATION OF ACCEPTANCE OF OFFICE BEFORE PARTICIPATING IN ANY DECISION MAKING.

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. APOLOGIES FOR ABSENCE

To be announced at the meeting.

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

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

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

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 6 April 2022.

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/0040/18 PARISH CHURCH OF ST MARY & ALL SAINTS, CHURCH LANE, LAMBOURNE RM4 1AH (Pages 15 - 28)

To consider the attached report on the proposal to build a new Church and Community Centre on a site adjacent to the Church grounds to provide space for activity rooms, event spaces, Church ancillary facilities and rooms for prayer and reflection. A new path to be carefully routed through the existing graveyard is proposed to link the new Church Centre to the Church and will be the subject of a separate Faculty application. Landscaping works and parking are provided within the proposed site.

10. PLANNING APPLICATION - EPF/2579/19 SPENCERS FARM, OAK HILL ROAD, STAPLEFORD ABBOTTS, ROMFORD RM4 1JH (Pages 29 - 42)

To consider the attached report for the erection of x6 no. new dwellings, parking and associated landscaping. ** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**

11. PLANNING APPLICATION - EPF/0766/20 21 FOREST DRIVE, THEYDON BOIS, EPPING CM16 7HA (Pages 43 - 54)

To consider the attached report for a part retrospective application for creation of one bed flat and associated parking (Revised application to EPF/0066/20). ** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**

12. PLANNING APPLICATION - EPF/2907/21 32 THE ORCHARDS, EPPING CM16 7BB (Pages 55 - 60)

To consider the attached report for the proposed conversion of the existing loft space into habitable accommodation with two side facing dormer windows with pitched roofs to south facing elevation and one side facing dormer window with obscured glazing to north facing elevation. The rear gable facing the garden and open fields is to be fitted with glazing with doors and Juliet balcony. This proposal makes efficient use of the existing loft space and is similar to many other similar loft conversions in the locality. This particular loft can be converted under permitted development rights that the dwelling enjoys and can be fully functioning. However, the applicant is applying under the householder application procedure as the overall roof extension compared to the original is just in excess of the 50 cubic metres allowable.

13. PLANNING APPLICATION - EPF/3231/21 TILEGATE FARM, TILEGATE ROAD, HIGH LAVER, ONGAR CM5 0EA (Pages 61 - 74)

To consider the attached report on the 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. 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 COMMITTEE MINUTES

Committee: Area Planning Sub-Committee East **Date:** Wednesday, 6 April 2022

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.00 - 9.40 pm

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

Members Present (Virtually): Councillor C McCredie

Apologies: Councillors N Bedford and P Stalker

Officers Present: L Kirman (Democratic Services Officer), R Moreton (Corporate Communications Officer), J Rogers (Principal Planning Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

Officers Present (Virtually): G Courtney (Planning Applications and Appeals Manager (Development Management)), I Ansell (Senior Planning Officer) and V Messenger (Democratic Services Officer)

107. 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.

108. 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.

109. MINUTES

RESOLVED:

That Parish shown in minute 102 relating to application EPF/1531/19 - The Land adjacent to the Fox Inn PH, Harlow Road, Matching Tye Essex, CM17 0QS, should be corrected and read as the Parish of Matching.

With the amendment shown above, the minutes of the Sub-Committee held on 9 March 2022 be taken as read and signed by the Chairman as a correct record.

110. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Code of Member Conduct, Councillor J McIvor declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/2627/20 – Land at Greenstead Road, Chipping Ongar
- b) Pursuant to the Council's Code of Member Conduct, Councillor JH Whitehouse declared a personal interest in the following item of the agenda. The Councillor had determined that she would leave the meeting for the consideration of the application and voting thereon:
- EPF/2951/21 – 69 Dukes Avenue Theydon Bois

111. ANY OTHER BUSINESS

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

112. 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

113. Site Visits

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

114. Planning Application - EPF/2627/20 Land at Greensted Road, Chipping Ongar CM5 9LA

APPLICATION No:	EPF/2627/20
SITE ADDRESS:	Land at Greensted Road Chipping Ongar CM5 9LA
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
DESCRIPTION OF PROPOSAL:	Construction of a residential development comprising of 95 units, together with open space, car parking & landscaping.
DECISION:	Referred to DDMC

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

Referred up to DDMC by resolution.

115. **Planning Application - EPF/1787/21 Bushes, Wind Hill, Magdalen Laver, Ongar CM5 0DS**

APPLICATION No:	EPF/1787/21
SITE ADDRESS:	Bushes Wind Hill Magdalen Laver Ongar CM5 0DS
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
DESCRIPTION OF PROPOSAL:	Proposed alterations to existing buildings; provision of pool within courtyard; partial demolition of existing built form and in-line addition to enlarge existing ancillary residential annex; change of use of adjacent field to horse grazing.
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=654393

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: 2239; 2, 3, 4, 8a, 9, 10, 11a
- 3 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.
- 4 The extension hereby permitted shall only be used for purposes incidental to the residential use of the main dwelling, and shall not be used for any primary residential accommodation or commercial use.
- 5 No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the development; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from

11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

To maintain reasonable levels of protection for the occupiers of the development from external noise and in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations and policies DM9 and DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 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:

- A survey of the extent, scale and nature of contamination;
- An assessment of the potential risks to:
 - a) human health;
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - c) adjoining land;
 - d) groundwater and surface waters;
 - e) ecological systems; and
 - f) 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 The stables hereby approved shall be used for the stabling of a maximum of 2 horses at any one time.
- 8 The manure/mucking out heap associated with the stables hereby approved shall be a minimum of 30m from the boundary of any of the neighbouring residential properties.

116. Planning Application - EPF/2951/21 69 Dukes Avenue Theydon Bois, Epping CM16 7HQ

APPLICATION No:	EPF/2951/21
SITE ADDRESS:	69 Dukes Avenue Theydon Bois Epping CM16 7HQ
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Single storey side extension.
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=659741

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: 001, existing block plan, location plan, proposed block plan
- 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.

117. Planning Application - EPF/0103/22 Grove Cottages, 64 Ongar Road, Lambourne, Romford RM4 1UJ

APPLICATION No:	EPF/0103/22
SITE ADDRESS:	Grove Cottages 64 Ongar Road Lambourne Romford RM4 1UJ

PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Application to remove condition 2 'Soft Landscaping' on EPF/2334/21 (Retention of a vehicular crossover field access, associated gate and hedgerow planting along boundary (Revised application to EPF/0229/21)
DECISION:	Referred to DDMC

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

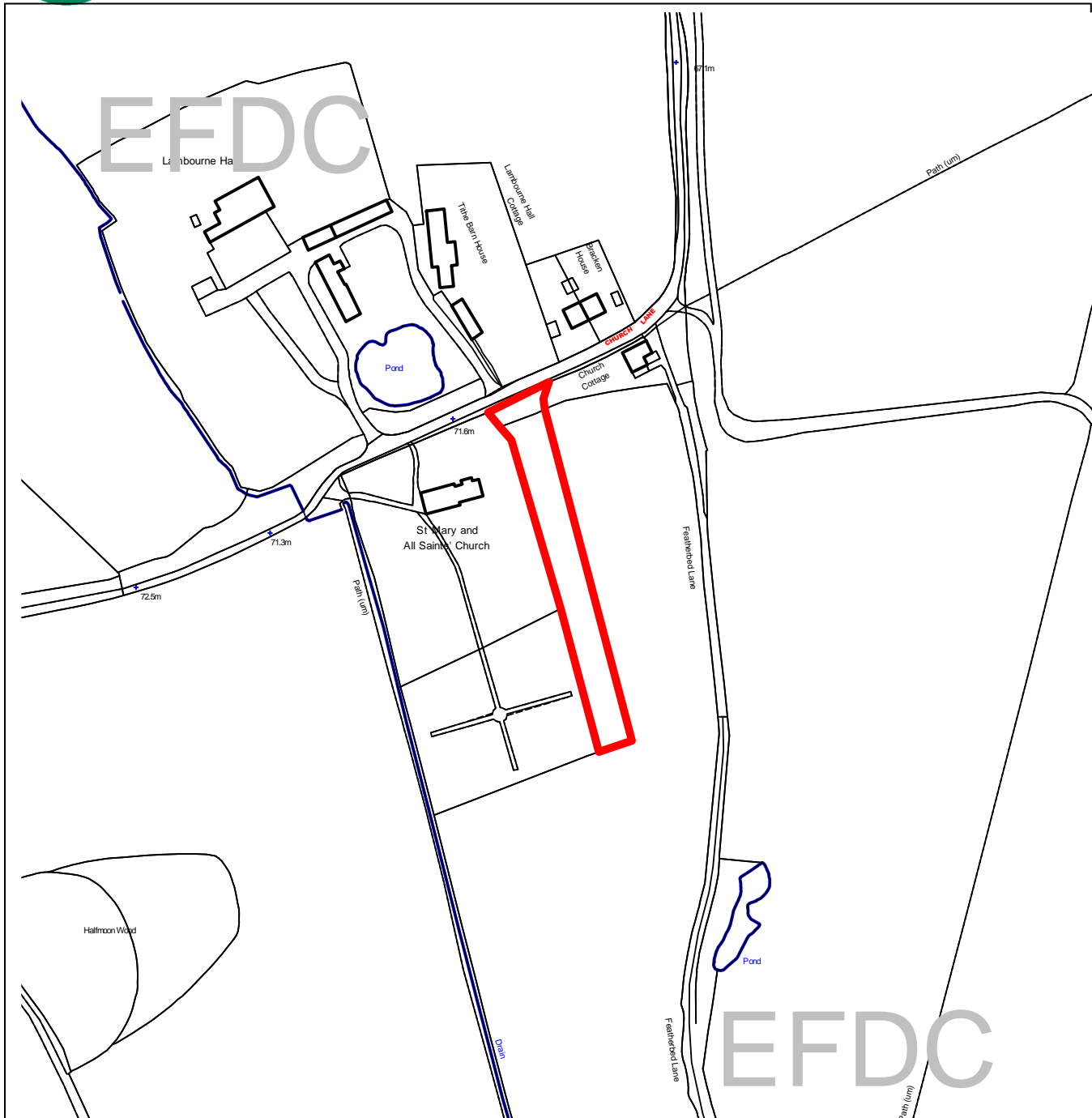
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=662037

Referred up to DDMC (under minority member rule) – Officer recommendation to refuse stands.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/0040/18
Site Name:	Parish Church of St Mary & All Saints, Church Lane, Lambourne RM4 1AH
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/0040/18
SITE ADDRESS:	Parish Church of St Mary & All Saints Church Lane Lambourne Essex RM4 1AH
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Reverend Roger Gayler
DESCRIPTION OF PROPOSAL:	The proposal is to build a new Church and Community Centre on a site adjacent to the Church grounds to provide space for activity rooms, event spaces, Church ancillary facilities and rooms for prayer and reflection. A new path to be carefully routed through the existing graveyard is proposed to link the new Church Centre to the Church and will be the subject of a separate Faculty application. Landscaping works and parking are provided within the proposed site.
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=604213

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: P100, P101, P102, P110, P111, P112, P120, P121, P122, P123. P200B, P210B, P202B, P210B, P211B, P212B, P220B, P221B, P222B, P223B. P300B, P301B, P310B, and Location Plan.
- 3 No preliminary ground works shall take place until a written scheme and programme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out strictly in accordance with the approved scheme and programme.
- 4 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.

- 5 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.
- 6 Samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 7 Additional drawings that show details of proposed new [windows, doors, rooflights, eaves, verges, fascias, cills, structural openings and junctions with the existing building - add/delete as appropriate], by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 8 Prior to commencement of development, details of screen walls, fences or other means of enclosure 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.
- 9 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; 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.
- 10 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.
- 11 No services shall be installed within the root protection area of any retained tree / hedge unless the Local Planning Authority gives its prior written approval by way of an appropriate planning application.

- 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 The proposed new roof lights shall be of the conservation type and shall be installed so that it is not any higher than the surrounding roof tiles.
- 14 All new rainwater goods and soil and vent pipes shall be of black painted metal.
- 15 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.
- 16 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.
- 17 All material excavated from the below ground works hereby approved shall be removed from the site.
- 18 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.
- 19 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for users of the site.
- 20 No increase in hard surfaces areas shown on drawing number P201B shall take place without prior consent from the Local Planning Authority through an appropriate planning application.
- 21 The building hereby permitted shall only be used for purposes directly ancillary to services and events within the adjacent church and shall not be used for any other purposes.

- 22 No amplified sound shall be used within the building so as to be audible from any location outside of the red line area of the application site as identified on the approved site location plan.
- 23 Other than use in connection with religious services in the adjacent church at Christmas and Easter, the building hereby permitted shall not be used after 10.30pm on any day of the week.

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

Description of Site:

The Church of St Marys and All Saints lies within a site of around 1.3ha at the southern end of Church Lane. The church building, which is listed Grade II*, sits within the historic grounds and graveyard which comprise around 0.6ha. The full site includes an extension to the graveyard to the south and a parcel of land along the whole of the east side which is laid to grass and currently used for overspill parking.

The site lies in what is predominantly an open location within the Green Belt. A small cluster of residential accommodation lies around the church, including a number of listed buildings. The only vehicle access is from Church Lane which is a largely single track road with an irregular pattern of dwellings located along its length. A number of public rights of way pass close to the church site, linking to the wider local footpath network.

Description of Proposal:

Permission is sought for a single storey building in the church grounds within the grassed area east of the listed building. The building is described as a 'Church and Community Centre' and comprises around 40 sq.m comprising an activity space, and oratory and ancillary services. The building is centred on the main church and is of a simple form with a gable end pitched roof, around 3m high at eaves and 6m at ridge, with principle openings in the north, west and south elevations. Materials comprise timber cladding to walls, a tiled roof and powder coated window frames.

External works comprise laying a hard surface from the gate, around the western side of the building to three disabled parking spaces beyond the remainder of the field being retained as grass), and provision in front of the building of a bin store and 6 cycle stands.

The application is supported by a Design & Access Statement and a Heritage Statement.

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 building
GB2A	Development in the Green Belt
GB7A	Conspicuous development
HC10	Works to Listed Buildings
HC12	Development affecting the setting of Listed Buildings
NC1	SPA's, SAC's and SSSI's
NC4	Protection of existing habitat
RP4	Contaminated land
CF8	Public Halls and Places of Worship
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
LL1	Rural landscape
LL2	Inappropriate rural development
LL10	Adequacy of landscape protection

NPPF (February 2109):

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 |
| 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 – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

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
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
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
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: March 2018, revisit October 2021

Number of neighbours consulted: 14 – consulted 2018 and 2021

Site notice posted: 08 March 2018

Responses received: Objections have been received 17 separate addresses, both locally and from further afield from those who use the area for recreational purposes, as under:
 CHURCH LANE – No. 1, 1 SHOELUCK COTTAGE, BRACKEN HOUSE, CHURCH COTTAGE, LAMBOURNE HOUSE, SOAPLEY HOUSE, TITHE BARN HOUSE and THE ELMS. One further objector simply states their address as 'Church Lane'.

Other Abridge / Lambourne addresses – 59 ALDERWOOD DRIVE, DEWS HALL NEW ROAD, 127 ONGAR ROAD and KINGS COTTAGE SILVER STREET.

Other objectors – 24 COTLEIGH ROAD ROMFORD, HOLLY CREEK DEBDEN ROAD LOUGHTON, 37 FAIRVIEW DRIVE CHIGWELL and MOTTS COTTAGE MOTT STREET LOUGHTON.

Objectors raise a number of concerns:

- Impact on character and appearance of the location – objectors refer to the unchanged historic character of the site and surroundings over many years, and the impact development would have on the historic setting of the listed church.
- Green Belt considerations – objectors argue development is inappropriate.
- Vehicle and traffic issues – concerns at increased vehicle movements on Church Lane where passing bays are limited.
- Proposed use – concerns are raised at the proposed use of the building following comments at public exhibition as to the intentions. Residents argue the location is unsuitable for large public gatherings.
- Noise and disturbance – concerns at noise issues arising from events, both in terms of residential amenity of neighbours and the wider quiet enjoyment of the setting.
- Need – it is argued that ample community facilities exist the local area, particularly at Abridge Village Hall, and the Holy Trinity Church site with Abridge village centre which is being disposed of for redevelopment.

- Accessibility – building is remote from local population
- Surface water drainage issues – concerns that the introduction of hard surface areas may impact surface water run-off.
- Ecological and biodiversity impacts – particularly potential impact on local wildlife and routes.
- Covenant issues – residents comment the land was gifted to the church for parking use only. This is however a matter outside of the planning application process.

Parish Council: Lambourne Parish Council objected to the original application and maintained their objection following revisions setting out the following grounds:

1. The building is not within keeping to the unique Green Belt setting and detracts from the beauty of the 12th Century building.
2. Parking and access along a single track road would be dangerous and not suitable.
3. Councillors feel that the need for this building has not been proven.
4. The Council also feel that the amended plans were not sufficient.

Main Issues and Considerations:

In considering representations from consultees, it is evident that there have been a number of different interpretations of the intentions and reasons for the development. The applicants Design and Access Statement sets these out as under:

Church statement on the reasons for the new building

St. Mary and All Saint's Lambourne, along with Trinity Church in the nearby town of Abridge, have always acted as sister churches to serve this immediate part of Essex. However Holy Trinity, which had served the community since the 1800's but then fallen into disrepair, has recently been closed and is to be sold for residential use. However, the Parish of Lambourne is determined to continue the work of worship, hospitality, fellowship and learning to an equal extent, and this planning application is the result of that need and missional plan. The church therefore proposes to establish a centre in the grounds of St. Mary and All Saint's, to continue and build on the work of Holy Trinity.

St. Mary's is a grade 2 building which will have served the community for 900 years in 2020. With its churchyard, it provides an oasis of prayerful peace in a green and pleasant land. It is sited within 5 miles of large centres of urban and suburban population, but still it acts as a calm, still place available to many and all in its wide community.*

Proposed outcomes of the project

- 1. The Centre will consist of rooms to meet, worship, study and pray and have kitchen space, toilets and storage.*
- 2. It will be as environmentally friendly as possible and blend into the character of the site.*
- 3. The Centre will provide an opportunity for children's work, Sunday School, 'Messy Church', clubs and as a venue for schools to use as they study the church.*
- 4. It will provide spaces for study and prayer, both individually and in groups. These opportunities will also be offered to the local Deanery and Diocese as a venue for training courses and study days.*
- 5. It will be available for courses and groups on art, therapy, photography, poetry, conservation and history for the wider community.*
- 6. It will be a place of interpretation and understanding of the history of church and local community.*
- 7. It will offer the required extra facilities to ensure that concerts, conferences, and larger worship events will be possible within the church itself.*

8. It will provide a setting to help people understand and interpret the significance of the church down the ages.

Resident representations suggest that at public meetings, it has been suggested that other activities may include use of the building as a nursery, as a ramblers refreshment stop and for social gatherings including wedding receptions etc. If Members are minded to approve the application for the purposes stated in the application, then conditions may be appropriate to address some of the concerns raised in the representations.

The primary considerations in the application arise around the location of the site within the Green Belt and the historic and landscape character of the site. On both issues, the arguments are finely balanced.

Policy 149(b) of the NPPF sets out buildings which may be considered as not inappropriate in the Green Belt as '*appropriate facilities for ... cemeteries and burial grounds.*' While it may be argued that the building will likely perform such a function, it is evident that the intention is to use it for a much greater range of purposes and thus it would not fit this definition. Accordingly, it is necessary to consider the development as inappropriate and harmful to the Green Belt, unless very special circumstances clearly outweigh the harm (NPPF paragraph 148).

The Church is a Grade II* listed building. The building is of 12th century origins and was substantially altered in the 18th century effectively to the current form. The importance of the building is recognised both in its external form and in its internal layout and finishes. Any alterations to the internal layout would be likely to have significant impact on the historical significance and character and would certainly be resisted. It is noted from the applicants submission that some form of community work has previously taken place at the Holy Trinity Church in Abridge but the building is beyond its useful life and is being disposed of. The benefit of that site to the Church's function is questionable given its remoteness from the church itself and the lack of parking available to it, notwithstanding that demolition and replacement in that location is unlikely to be financially viable. Thus, for the church to adequately serve the needs of its community, there is evidence of a need for ancillary facilities in an appropriate location.

Such a location would it seems need to be within easy reach, preferably walking distance, of the church itself in order to fulfil the church community need. A review of the immediate surroundings demonstrates that few such locations exist. Discussions ruled out a location within the church grounds, or as an extension to the building, as any such works would evidently be harmful to the historic character of the listed building. Irrespective of land ownership considerations, no other locations exist.

Officers recognise that it is appropriate for a parish church to provide facilities to its community beyond simply a place to hold services. Church buildings such as St Mary & All Saints Church have become vulnerable as they no longer address all the needs of their community; needs for new facilities, accessibly, etc. There is a clear risk for these buildings and their wider site to become redundant and then suffer from lack of repairs and maintenance. In this case, such facilities cannot be realistically provided within the existing building or in the immediate environs of the church yard. As a result, the needs of the church community could be seen as amounting to very special circumstances such that paragraph 148 of the NPPF is satisfied.

It is recognised that the church and its immediate setting is relatively unique and has remained unchanged for many years. It is however noted that this is not perhaps as applicable to the land beyond the original church yard – the burial grounds have been extended onto land to the south, and the land to the east including the application site has in more recent years been used for parking when the ground conditions have allowed.

The current scheme has developed taking account of the site constraints. As originally submitted, the application proposed a larger building located on the west side of the field, abutting the church yard. The position, scale, forms, detailing and materials of the new building have been carefully considered and the revised scheme is the result of a close collaboration between the architect and officers. The challenge was to design a building which would appear immediately subservient to the church and its sensitive context without looking like an ordinary outbuilding but creating a building that could immediately relate to the church and its site.

The building has been reduced in length to reduce its visual impact and intentionally positioned on the axis of the chancel to show the relationship with its parent building. The proposal features a simple form to reflect its subservient status. Clear references have been taken from the church in its architectural detailing (window frames) and materials.

The site also lies within a sensitive landscape setting with hedges, hedgerows and trees contributing to the small-scale historic settlement pattern which would be sensitive to change. The church itself makes a positive contribution to the wider landscape being highly visible from a number of viewpoints on nearby public rights of way. In the context, the relocation of and reduction in the size of the building has recognised these constraints and now provides for the retention of trees on the outer edge of the original churchyard and provides clearer visible separation between the buildings.

The application has been delayed to allow consideration of any mitigation measures that may be required as a result of vehicle movements through the EFSAC, the nearest point of which is around 5km from the site. The analysis recognises primary use will be for purposes linked to existing church activities and assessment of the submission recognises that the requirement of the trip generation assessment have been met. Thus, Appropriate Assessment has been undertaken:

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 disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

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

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

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

Residents raise a number of issues in their representations around vehicular activity, potential noise and disturbance and additional activity. As part of the discussion on the applications, it has been a key consideration that the building should be designed to be a support facility for the church rather than a destination venue in its own right. The applicant's statement refers to use of the church for concerts and conferences, activities which the church could be used for at present, and the building will provide ancillary facilities for such activities rather than accommodating these activities independently, officers consider the hall itself to be too small for any large gatherings. Supplementary conditions can be used to reinforce the ancillary nature by limiting hours of use and non-church related activities, and limiting noise through amplified sound. Officers are satisfied therefore that residential amenity would not be significantly impacted. In terms of vehicular movements, no objections are raised by the highway authority

Officers note comments in relation to the ecological value of the site in broad terms. No alterations to hedgerows or trees arise from the application other than routine trimming of the hedge along the site boundary and the building sits on what is otherwise a grassed area. Ecological enhancements, archaeological examination and tree protection measures can be addressed by conditions. Noting comments around surface water drainage in residents responses, the site does not lie in a flood risk assessment zone suggesting special measures are required although conditions are appropriate to ensure foul sewage is dealt with in a septic tank and that surface water is disposed of by soakaway.

Conclusion:

The highly sensitive location of the site in terms of the importance of the listed building, its historic setting in an area that has changed little over many years, and its wider Green Belt function has been recognised in the evolution of the proposals. The building is of a smaller scale and is situated away from the boundary of the historic churchyard. The separation protects the historic setting of the church.

Green Belt policy recognises that ancillary buildings to support existing facilities can be appropriate for specific community uses. While this does not directly apply in this case, officers recognise that it is appropriate to provide sufficient facilities to safeguard the future use of the building by a viable church community and that this is sufficiently unique to amount to very special circumstances so long as the broad Green Belt objectives are preserved.

Residents concerns are noted, and these may arise out of some misdirection in terms of how the building is intended to be used. At the size now proposed, the building is not big enough to host significant events such as concerts and conferences, only to provide ancillary facilities to support these events which can already take place in the church. Conditions can be imposed to provide restrictions on hours and nature of use, and amplified sound for example.

Taking account of all material considerations, officers recognise the needs of the church community and therefore on a fine balance recommend that the application is approved 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:

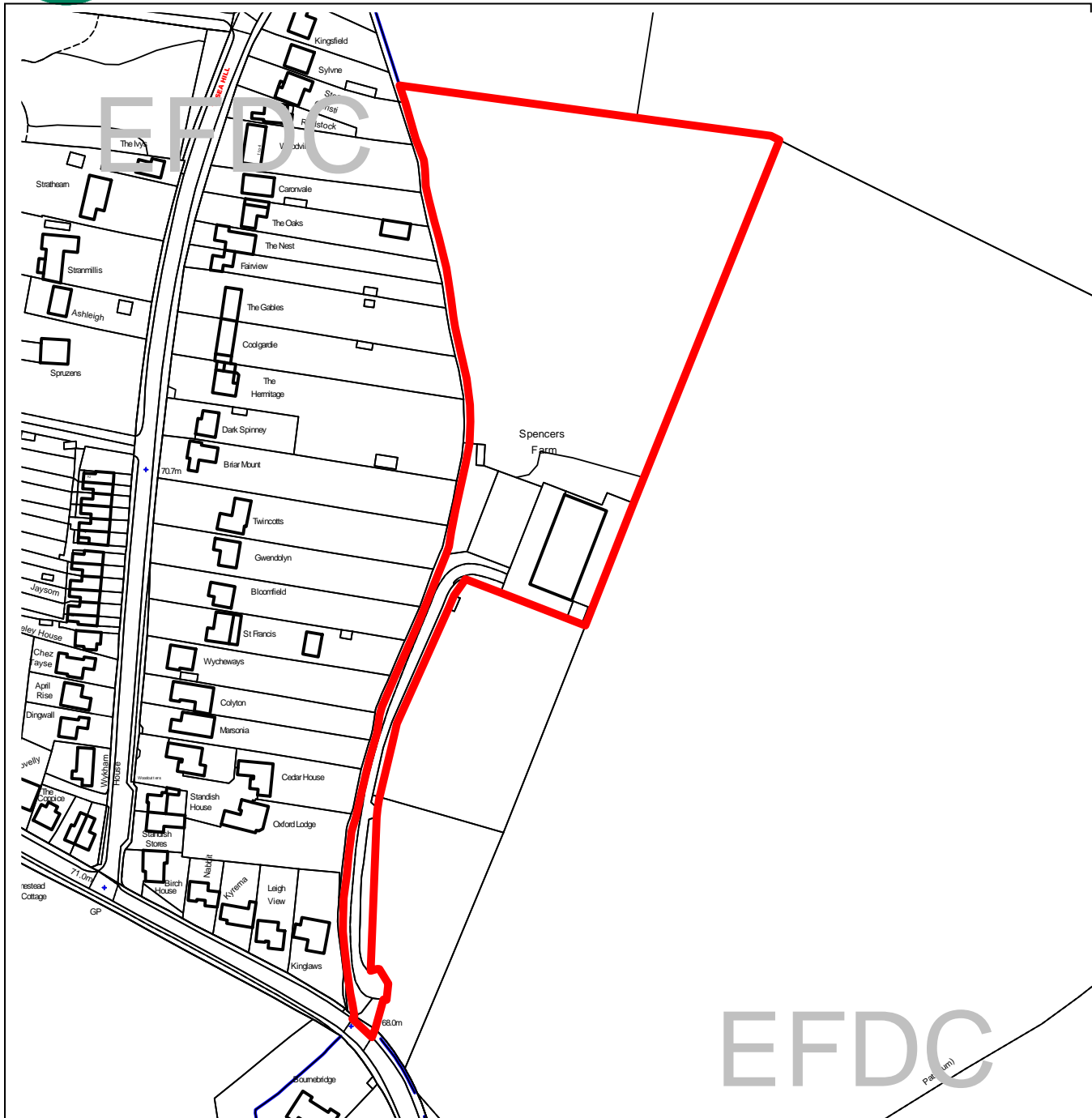
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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/2579/19
Site Name:	1:2500
Scale of Plot:	Spencers Farm Oak Hill Road, Stapleford Abbots RM4 1JH

Report Item No: 10

APPLICATION No:	EPF/2579/19
SITE ADDRESS:	Spencers Farm Oak Hill Road Stapleford Abbots Romford Essex RM4 1JH
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Alex Piggott
DESCRIPTION OF PROPOSAL:	Erection of x6 no. new dwellings, parking and associated landscaping. ** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**
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=629733

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:

2632.1 (Site and Block Plans)
2632.2A (House Design/Floor Plans)
2632.3A (House Design Elevations)
2632.4 (Existing & Proposed Site Plans)
2632.5 (Existing & Proposed Site Plans)
2632.6(Existing & Proposed Facing Views)
2632.7 (Site Location Plan)
OS- 1892-19.2 (Hard Landscape Plan)
OS-1860-19.2-1 (Hard Landscape Plan)
OS-1892 -19.2-1 (Tree Protection Plan)
OS-1892-19.3 (Soft Landscape Plan)
557/P/001 REV.A (Refuse Strategy)
- 3 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.

- 4 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.
- 5 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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 window[s] 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.
- 6 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.
- 7 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.
- 8 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.
- 9 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.
- 10 Hard and soft landscaping shall be implemented as shown on Open Spaces drawing numbers OS1860-19.2-1 dated 31st July 2019 ; OS1892-19.2 and OS1892-19.3 both dated 13th August 2019 and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations 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.
- 11 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Open Spaces Tree Protection Plan drawing OS1892-19.2-1 and OS1892-19.2-2 both dated 14th August 2019.
- 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 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.
- 14 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.
- 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 The development shall be carried out in accordance with the SuDS Statement supplied by EAS, dated 06th September 2019 and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.
- 17 An external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Any external lighting shall be installed in accordance with such agreed details.

- 18 Prior to the first occupation of the development the passing bays, as shown on drawing no.2632.4, shall be fully implemented and shall be retained in perpetuity for their intended purpose.
- 19 Prior to the first occupation of the development the passing bays, as shown on drawing no.2632.4, shall be fully implemented and shall be retained in perpetuity for their intended purpose.

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 3 local residents (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site

The application site measures approximately 0.5 hectares, located at the end of a c.200m long single width track on the north side of Oak Hill Road and directly to the rear of residential properties in Tysea Hill, Stapleford Abbots Parish. Prior to their demolition and removal in 2020, the site comprised a substantial barn-style building, part 2 and 1 storeys in height, with menage and parking forecourt area to the front (west).

The site is wholly within the Metropolitan Green Belt, although the residential properties on Tysea Hill are within the built-up area. The site is not within a Conservation Area although the site is subject to risk of surface water flooding.

Description of Proposal

This application is an amendment to the scheme granted planning permission in 2016 (see planning history below) which now seeks full planning permission for the erection of 6 semi-detached dwellings, resident and visitor parking, boundary treatment and hard and soft landscaping.

The proposed dwellings adopt a typical suburban design, measuring approximate dimensions of 7.5m in height, 6.6m in width and 11.2m in depth. The proposed buildings are sited north to south in a linear arrangement with parking and landscaped areas to the west.

Relevant History

In chronological order (most recent first), relevant planning applications are:

EPF/2163/19: Approval of Details Reserved by Conditions 3 'Types and colours of external finishes', 6 'Hard and soft landscaping', 7 'Tree protection methods', 9 'Details of levels', 17 'Flood Risk Assessment', 18 'Foul and surface water', 21 'External lighting' and 22 'Refuse plan' of EPF/2484/16 (Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping). **Details Approved 01/11/2019.**

EPF/0475/19: Application for approval of details reserved by condition 14 'contaminated land remediation' of EPF/2484/16 (Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping). **Details Approved 17/04/2019.**

EPF/3428/17: Application for approval of details reserved by condition 13 'contaminated land - phase 2' on planning application EPF/2484/16 (Demolition of existing buildings, erection of four

detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping). **Details Approved 26/11/2018.**

EPF/1429/17: Application for approval of details reserved by condition 12 'contaminated land phase 1' on planning application EPF/2484/16 (Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping). **Details Approved 28/07/2017.**

EPF/2484/16: Demolition of existing buildings, erection of four detached houses with integral garages, provision of passing bays, boundary treatment and hard and soft landscaping. **Conditional Approval 14/12/2016.**

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
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
NC1	SPA's, SAC's and SSSI's
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
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
LL11	Landscaping Schemes
ST1	Location of Development
ST2	Accessibility of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations
U1	Infrastructure Adequacy
U2A	Development in Flood Risk Areas
U3B	Sustainable Drainage Systems

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

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

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

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

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

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight being 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
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	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
DM4 - Green Belt	Significant
DM5 Green and Blue Infrastructure	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

DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
D 1 – Delivery of Infrastructure	Significant
D3- Utilities	Significant

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.

Summary of Representations

STAPLEFORD ABBOTTS PARISH COUNCIL – OBJECTS on the following grounds:

- Flood and sewage risks to Tysea Hill
- Access drive into Spencers Farm inadequate.
- Native species are being removed to make way for a wider access drive.
- Lay-bys insufficient for 6 dwellings to pass each other.
- Emergency vehicle access has not been addressed adequately.
- Will future residents be responsible for carrying refuse to access frontage?
- Access into development is on a dangerous bend.
- Major gas pipeline crosses the drive and therefore unsuitable for HGV's.

32 neighbours were consulted of which 3 Objections have been received raising the following concerns:

- Harm to amenity (privacy and quality of living environment) from increase in HGV traffic for deliveries, emergency services and waste disposal.
- No crossing permission given over gas pipeline at entrance to site.
- Disturbance to wildlife.
- Increased flood risk.
- Safety risks at entrance to site/junction with B175 from gates.
- Sewage disposal or waste collection details not provided/clear.
- Require developer to erect 2m high fence between mitigate impact on privacy of Oakwood.
- No lights to be installed along access road.
- Impacts on Green Belt must be taken into account.

Issues and Considerations

The main issues to consider are the general principles of the development in the Green Belt, design and appearance, neighbouring amenities, landscaping, flooding and refuse storage.

Principle of the development in the Metropolitan Green Belt

The previous planning approval in 2016 (see LPA Ref: EPF/2484/16) has established the principle of redeveloping the former equestrian use for residential uses in the Metropolitan Green Belt. To recap, officers considered that the former equestrian use and the associated barn style building(s) were consistent with the definition of being previously developed land which therefore meant that the redevelopment of the site may not be inappropriate subject to ensuring that the replacement proposals did not have a materially greater impact on the open character of the MGB. It was also concluded that the approved 4 detached dwellings comprised a much reduced volume compared to the former barn building onsite and would improve openness.

In this case, the main issue to consider is whether the increase in the number of dwellings from 4 detached dwellings to 6 semi-detached dwellings would now cause significant harm to the openness and character of the MGB.

In total, the replacement volume of the 6 new dwellings would equate to 2638m³ which when compared to that of the former existing barn-style building (3387m³) would still represent a 22% reduction in the pre-existing built form (volume). Alternatively, the difference in volume between the extant and current proposals equates to a marginal 3% increase. Furthermore, the retention of their siting on the footprint of the pre-existing barn buildings would again minimise the harm caused to openness within the site and wider location. Based on these figures, officers consider that the 6 new dwellings would maintain a net improvement in the openness of the MGB.

With regard to the character of the MGB, it is considered that the site's secluded location and surrounding topography will assist in minimising the impacts of residential use and its associated activities. In addition to this, it is also considered reasonable to control further development at the site with the removal of permitted development rights for extensions, roof extensions and outbuildings. Given the above reasons, the harm caused by the residential use on the character of the MGB would be acceptable.

The site is only just outside of the village envelope. The village of Stapleford Abbots does not offer a wide variety of services/shops, however it would be possible to walk from this site to the local shop on Tysea Hill and to a Public House and a bus service does serve the village. It therefore is a sustainable development in this respect.

Overall, the proposals for 6 semi-detached homes on a previously-developed site is not inappropriate development by definition and will not have a materially greater impact on the Green Belt in physical terms and therefore complies with policies CP1, CP2, GB2A and H2A of the Adopted Local Plan and Alterations (2008); policy DM4 of the Submission Version Local Plan (2017) and Green Belt objectives set out in the NPPF.

Design and Layout

The proposed dwellings are typically suburban in character and appearance and would not be out of character with the nearest properties located on Tysea Hill/Oak Hill Road. Whilst details of materials (including surfacing) were agreed at post planning stage for the previous 4 unit scheme (see planning history above) it is not clear from the submission information whether the applicant would seek to use the same in this instance. Accordingly, officers recommend details of external facing materials of the proposed dwellings are secured by planning condition should planning permission be given by the Committee.

Details of hard and soft landscaping have been provided and are not objected to by the Councils' Tree and Landscape Officer subject to compliance with the submitted information.

With regards to the proposed parking area, this is laid out to the front of the properties off the main access road into the site.

Overall the proposed quality of design and appearance of development are acceptable and therefore would comply with the requirements of Policies DBE1, DBE4 and DBE5 of the adopted Local Plan (2008) and Policies DM 9 and DM 10 of the emerging SVLP (2017).

Neighbouring Amenity

The proposed properties would provide a reasonable amount of amenity space for future occupants. Furthermore there is open countryside to the rear of the site. All side facing windows/openings at first floor level can be conditioned as obscure glazed.

There are no neighbours close enough to be seriously affected in amenity terms, although loss of privacy has been raised as an objection, the nearest residential properties are some 120m away and this is not considered a significant issue given this distance. Additionally the site is well screened by an existing mature tree screen to the rear of the properties at Tysea Hill.

Officers note neighbour concerns with regard to noise levels from traffic movements but given that the scale of the scheme it is not considered that these movements will be excessive. In addition those properties that are closest to the access road would be approximately 38m at their nearest point and therefore it is not considered that any attributable noise disturbance will be excessive. Amenity harm therefore is very difficult to justify in this case.

The impact on existing residential amenities is therefore acceptable and comply with policy DBE9 of the adopted Local Plan (2008) and policy DM 9 of the emerging SVLP (2017).

Trees and Landscaping

As stated above, the Council's Tree and Landscape Officer has no objection to the proposal. It is considered that the proposal will have minimal adverse visual impact on the landscape character of the area.

Existing tree screening adjacent to the western boundary are shown to be retained and will require protection during development activities. A tree protection plan has been submitted by the applicant's and will be secured by condition if planning permission is given.

In this regard the proposals would comply with Policies LL10 and LL1 of the Adopted Local Plan and Alterations (2008) and Policies DM 5 and DM 9 of the Submission Version Local Plan (2017).

Highways/Parking

The proposals are not considered to result in any significant increase in traffic above the current use of the site.

Essex County Council Highways maintain its no objection stance as the proposed development benefits from an existing access that has suitable visibility and geometry onto Oak Hill Road. They have indicated that the proposed residential use will not increase vehicle movements above the existing lawful use of the site, to the benefit of all highway users.

In the period that has elapsed since the application was made, the proposed upgrading of the access road including lay-bys have been substantially completed. Whilst officers acknowledge that the Parish Council (and neighbouring residents) maintain objections regarding the adequacy of the access to accommodate future resident and emergency vehicles, it is considered that the proposals in this instance will not be detrimental to highway safety or efficiency at this location and would on the whole benefit access and egress to/from the site.

Accordingly, the impact of the proposals on the highways and parking are acceptable and therefore comply with policy ST2, ST4 and ST6 of the adopted local plan (2008) and policy T 1 of the Submission Version Local Plan (2017).

Contamination and Land Drainage

Under the extant consented scheme, the applicant has satisfied the Council through provision of a Phase 1 Desktop Geo-Environmental and Phase 2 Remediation Statement in relation to potential land contamination risks. However, the Council's Land Contamination Officer has requested inclusion of planning conditions to secure a contamination verification report at post construction stage and mitigation for unidentified contamination being subsequently discovered.

In terms of surface water drainage matters, the development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. The applicant's submitted SuDS Statement has been reviewed and verified by the Council's Land Drainage Officer. Accordingly, no objections are raised by them subject to compliance with their submitted details.

With regard to neighbouring comments relating to sewage disposal in the neighbouring residents' gardens, officers have been advised by the applicant that their site will be connected to a mains sewage connection in Oak Hill Road and not into any rear gardens/sewage treatment on the opposite side of their development.

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

Strategic Gas Infrastructure

Neighbours have raised concerns regarding a gas infrastructure under the entrance of the access road. The applicant has since advised that any intrusive works at or near to this pipeline will be carried out in full adherence and observance of Cadent Gas as is standard practice. Cadent Gas has equally indicated no objection to the current proposals.

Officers are therefore satisfied that the potential risks to neighbouring amenities are minimal.

Epping Forest Special Area of Conservation (SAC)

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.

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 in accordance with Policy NC1 of the Adopted Local Plan and Alterations (2008) and Policies DM2 and DM22 of the Submission Version Local Plan (2017).

Ecology

A preliminary ecological appraisal dated September 2016 has been submitted with this application which highlights the need to avoid demolition during the bird nesting period and require further details of lighting. Given that the demolition of all building(s) have now been completed, there is no reasonable need to request an updated assessment. In addition, the details of external lighting agreed post planning under the previous consent must be secured in this instance should planning permission be given.

Refuse Storage

The refuse storage and collection arrangements for this scheme will all take place within the site as illustrated on plan number 557/P/001 REV/A. Officers have also noted the query raised by the Parish Council regarding the potential for refuse tenders to block residents leaving the development on collection days and consider that this is a temporary and/or infrequent situation that would similarly occur in most existing developments. Accordingly, the refuse storage and collection arrangements for the proposed development is considered acceptable.

In this regard the proposals would comply with Policies U2B and U3B of the Adopted Local Plan and Alterations (2008) and Policies DM10 and DM11 of the Submission Version Local Plan (2017).

Conclusion

The proposed development for 6 semi-detached dwellings is considered to be acceptable in principle and would not have a materially greater impact on the Green Belt. The design and layout is appropriate, highway access shows improvements and there is no excessive impacts on surrounding amenity.

The impact of the proposed development on the EFSAC can be avoided and mitigated by securing relevant financial contributions under S106 Agreement including the imposition of planning conditions that will support electric car charging and home working.

For the reasons outlined above this proposal complies with the 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 guidance contained in the NPPF.

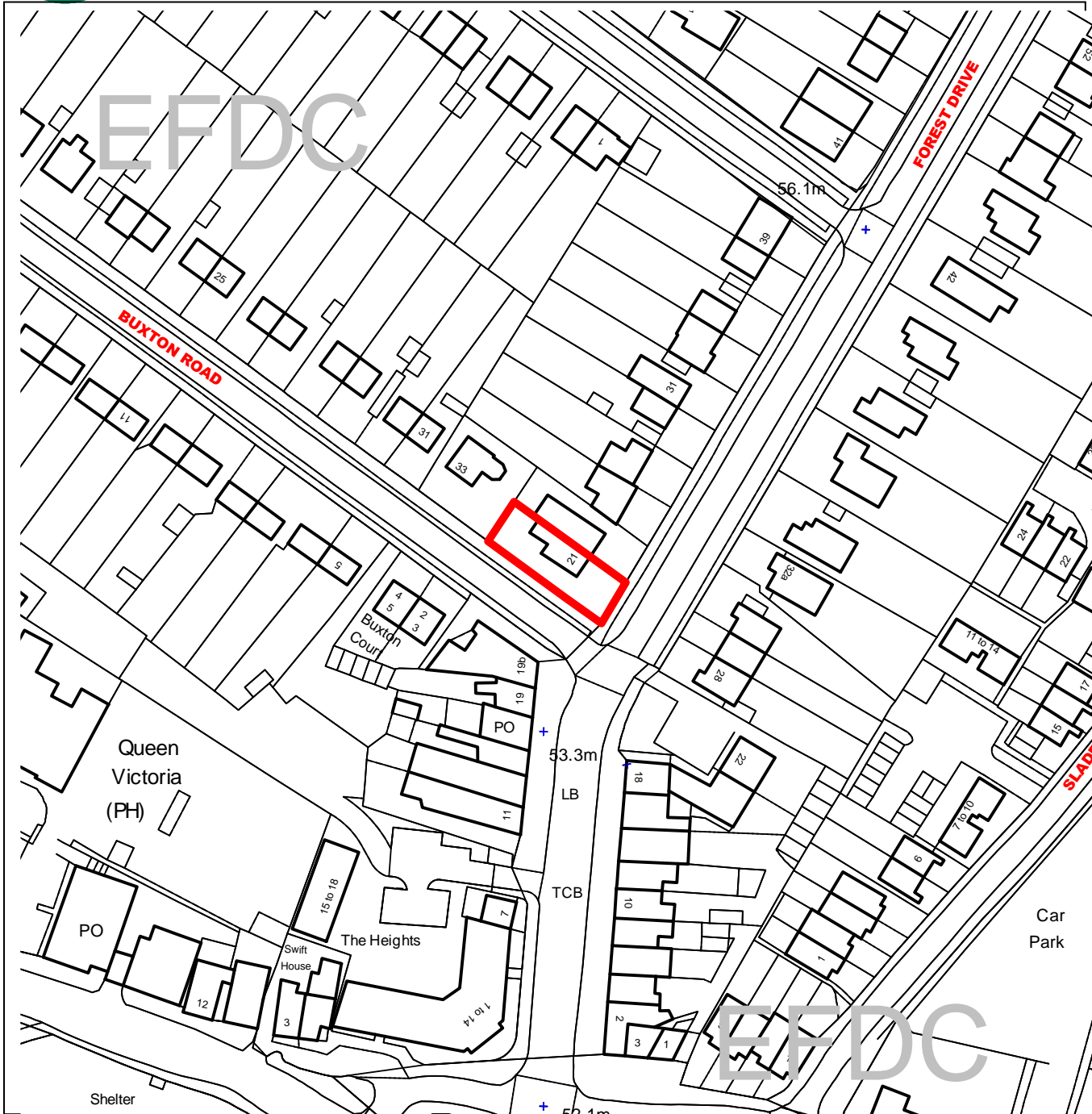
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Cuma Ahmet 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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	Site Name:	21 Forest Drive Theydon Bois CM16 7HA
	Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0766/20
SITE ADDRESS:	21 Forest Drive Theydon Bois Epping CM16 7HA
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Willem Botha
DESCRIPTION OF PROPOSAL:	Part retrospective application for creation of one bed flat and associated parking (Revised application to EPF/0066/20)** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**
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=635623

CONDITIONS

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Site Location Plan
Drawing 001 - Existing Ground and First Floor Plans
Drawing 002 Rev 2 - Proposed Ground and First Floor Plans
Drawing 003 - Existing Rear Elevation and Roof Plan
Drawing 004 Rev 2 - Proposed Rear Elevation and Roof Plan
Drawing 005 - Existing Side Elevations and Section
Drawing 006 - Proposed Side Elevations and Section
Drawing 007 - Existing and Proposed Front Elevation
Drawing 008 - Existing Site Layout
Drawing 009 Rev 2 - Proposed Site Layout
Design and Access Statement.
- 2 Within 3 months of the date of this planning permission the garden subdivision shall be implemented as shown on the approved drawings and retained as such in perpetuity.
- 3 The parking area shown on the approved plans shall be retained free of obstruction for the parking of residents in perpetuity.
- 4 Within 3 months of the date of this planning permission the ground floor rear bathroom windows shall be fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of 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.

- 5 Within 3 months of the date of this planning permission, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 6 Within 3 months of the date of this planning permission, 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.
- 7 Measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

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 and the Local Council has confirmed in writing their intention to attend and speak at the meeting where the proposal will be considered (Pursuant to The Constitution, Part 3c: Scheme of Delegation to Officers from Full Council).

Description of Site:

Two-storey semi-detached dwellinghouse by the junction of Forest Drive with Buxton Road.

Not listed or in a conservation area.

Theydon Bois London Underground Station is 300m / a 5 minute walk from the application site.

Forest Drive also hosts a local parade of shops and amenities. It is the local centre for the Village of Theydon Bois.

Nos 21 (the application site) and 23 Forest Drive, the adjoining semi are in the same ownership.

Description of Proposal:

Part retrospective application for Creation of one bed flat and associated parking (Revised application to EPF/0066/20).

The original description of development has been amended to reflect the fact that this application is part retrospective in that the flat is in use with car parking in place, however the proposed garden alterations have not yet been implemented.

Amended drawings 002 Rev 2, 004 Rev 2 and 009 Rev 2 were received on 25th April 2022. These amended drawings removed the previously proposed ground floor living room rear facing obscure glazed window. The obscure glazed window was changed to clear glazed on the advice of the case officer on the basis that it is not required to be obscure glazed to protect privacy and obscuring the glazing in this window does not achieve any other useful purpose (and in fact reduces the level of outlook from this room and the ability to identify people calling at the entrance door to the flat).

The amendments compared to the refused EPF/0066/20 scheme are as follows:

- Existing rear garden of No. 21 subdivided to provide a separate garden area for occupier of the proposed flat.
- Car parking space enlarged.

Relevant History:

21 Forest Drive (004062):

EPF/0066/20 - Proposed creation of a one bedroom flat & associated parking. Refused 20.02.2020.

Reasons for refusal:

1. The proposed development provides unsatisfactory private amenity space for the proposed flat and as such is contrary to policy DBE8 (iii) of the adopted Local Plan and Alterations and policies SP 3 (v) and DM 9 of the Epping Forest District Local Plan Submission Version (2017); and, the provisions of the National Planning Policy Framework, February 2019.
2. The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.
3. The proposed parking spaces would not meet the size requirements as set by the Essex Parking Standards 2009. The spaces would not be suitable for all types and sizes of cars. The proposal would therefore fail to comply with policy ST4 of the adopted Local Plan (1998) and policy T 2 of the Submission Version of the Local Plan (2017).
4. The proposed car parking space to the rear by reason of its siting would result in an unacceptable loss of outlook for the future occupiers of the proposed ground floor flat. The proposal is therefore contrary to policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2019).

EPF/3002/18 - Proposed subdivision of dwelling to 2 no. 2 bed flats and 1 no. 1 bed flat with associated parking. Refused 21.01.2019.

EPF/1883/18 - Proposed erection of rear dormer. Approved subject to conditions 30.08.2018.

21 and 23 Forest Drive (018362):

EPF/1000/18 - Ground floor roof extension, ground and first floor side extension, roof extensions for loft accommodation. Approved 19.06.2018.

EPF/3159/16 - Side and roof extension to form 3 x 2 bedroom and 4 x 1 bedroom flats (7 flats in total) together with associated parking and landscaping. Refused 09.02.2017.

Policies Applied:

Adopted Local Plan:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the quality of the rural and built environment
CP3	New Development
CP4	Energy Conservation
CP6	Achieving Sustainable Urban Development Patterns
RP5A	Adverse Environmental Impacts
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE11	Sub-Division of Properties
ST4	Road Safety
ST6	Vehicle Parking

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

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:

(c)

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

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 (ends 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:

SP 1	Presumption in favour of sustainable development
H 1	Housing Mix and Accommodation Types
DM 2	Epping Forest SAC and the Lee Valley SPA
DM 9	High Quality Design
DM 10	Housing Design and Quality
DM 19	Sustainable Water Use
DM 21	Local Environmental Impacts, Pollution and Land Contamination
DM 22	Air Quality

Consultation Carried Out and Summary of Representations Received:

Theydon Bois Parish Council	Objection
ECC Highways	No objection
EFDC Land Drainage	No objection

Theydon Bois Parish Council – Objection:

“Return: OBJECTION

When considering this new application, the Planning Committee viewed the previous plan history of the site which, in 2009, included the sub-division of part of the original gardens allocated to Nos.21 and 23 Forest Drive to provide for an infill dwelling at 33 Buxton Road (EPF/1446/09). Whilst this resulted in some reduction in the amenity space afforded to the host dwellings, the remaining provision was still comparable with that of other semi-detached properties in the locality.

More recently, after an application to add extensions to the property at No.21 was granted under EPF/1000/18 (construction work for which is now believed to have been completed), a further proposal (under EPF/3002/18) to sub-divide the dwelling to create a total of 3 flats was submitted, and refused. A further application to sub-divide the ground floor, to create a one-bedroom flat, was also refused earlier this year.

The Planning Committee raised an Objection to that previous submission, under EPF/0066/20, in its Return dated 7th February 2020. Whilst the new application has sought to address some of the reasons for the earlier refusal, the Planning Committee noted that a number of issues remain unresolved.

In particular, the following Objections, raised in the previous Return, are still pertinent to this current application:

- **Outlook:** *Pursuant to the revised proposal, there would still be no real outlook from the main living area of the proposed flat, except onto the 2m high side boundary fence (at only 1m away), with the small secondary window, adjacent to the rear door, being now obscure-glazed. The revision to the application to install obscure glazing in the secondary window, overlooking the car parking space, would arguably exacerbate the issue by further limiting the outlook and the light in the room; and*
- **Configuration:** *It was noted that the main living room of the host dwelling would be directly adjacent to the bedroom of No.21A. The bedrooms (on the first floor) of No.21 would be directly above the living area of No.21A, whilst the bathroom window to the proposed flat would now open onto the garden area of No.21. Overall, this arrangement would be unlikely to result in a positive level of amenity for future occupants, and the proposal would, therefore, be likely to conflict with the provisions of Current Local Plan Policies: CP2 (iv), DBE9 and DBE11, and those of the New Epping Forest District Local Plan (2011-2033) under DM9 and DM10.*

Further, the revised proposal seeks to address the lack of private amenity space afforded to the flat by virtue of sub-dividing the plot, such that the rear garden would be shared between the host dwelling (No.21), and the new flat (No.21A). However, the garden area allocated to No.21A would not be visible from any of its habitable rooms, and would be separated from the flat by the parking space. The area would also be directly overlooked by a bedroom on the first floor belonging to No.21.

This arrangement would also leave the host dwelling with an inadequate area for amenity use. No.21 comprises a number of habitable rooms on the ground floor, plus 4 bedrooms, and a study, on the first floor and the Planning Committee considered that a useable area measuring only an approximate 40 square metres would not be sufficient to provide a good level of amenity to future occupants.

This view is supported by reference to Paragraph 15.52 of the current 'Epping Forest District Local Plan, 1998 (with alterations of 2006)' which states that, "...the District Council will expect rear gardens of new dwellings to have a minimum area of 20 square metres for each habitable room - this being defined as a living room, bedroom or kitchen/dining room...so as to provide a reasonable area of outside amenity space and ensure that development is not out of scale or character with its surroundings."

Therefore, with 6 or 7 habitable rooms, the host dwelling should be afforded around 120-140 square metres of private amenity space. Even allowing for some flexibility in this provision, the current proposal would fall well below that provided to other properties in the vicinity, and the constrained and disproportionately small area of amenity space would be significantly out of character with the locality, contrary to Policies CP2(iv) and DBE8 of the Current Local Plan, and DM9 of the New Local Plan (2011-2033).

In light of the above, the Planning Committee is of the view that the sub-division of 21 Forest Drive, in the way presently proposed, would not provide occupants of either part of the dwelling with a good level of amenity, nor produce the quality of development reflected in the character of the locality."

Date of site visit: 22.04.2022

Number of neighbours consulted: 15

Responses received: None.

Main Issues and Considerations:

The main issues are considered to be the principle of development; character and appearance, impact on neighbours; amenity of future occupiers; and, impact on the Epping Forest Special Area of Conservation (SAC).

Principle of development

The Officer's report for refused application EPF/0066/20 stated:

"In principle the proposal has merit. The proposal is for a residential use in a residential area. The site is in a reasonably sustainable location; there are shops along Forest Drive and nearby Coppice Row. The site is in close proximity to the Theydon Bois London Underground Station. Furthermore the proposal offers a unit of housing at modest price."

The principle of a flat on this site is considered to be acceptable given its village centre location, 5 minute walk to a tube station and the presence of other flatted developments in the immediate area (the closest being the flatted blocks directly opposite on Buxton Road (Buxton Court) and on Forest Drive (20 Forest Drive)). A separate single family dwellinghouse (No 21) will also be retained on the site.

Impact on the Character of the area

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

The building still appears as a single family dwellinghouse as seen from the Forest Drive streetscene.

The entrance to the flat and garden are from the car parking space to the rear off of Buxton Road and the proposed flat does not have a harmful impact upon the character or appearance of the site or surrounding area.

Residential amenity (Impact on neighbours)

With regard to the issue of noise, the layout would not give rise to noise nuisance or disturbance as a one bedroom unit is unlikely to cause significant intensification in terms of noise and activity compared with the existing situation. Moreover, the stacking of rooms is acceptable as bedrooms would be above bedrooms, bathrooms above bathrooms so should not result in increase noise and disturbance to the first floor area of the application building. the proposed flat would itself not adjoin no. 23 and is set away from this dwellinghouse to cause any noise and disturbance to this dwellinghouse. The proposal would in this regard comply with to policy DBE11 (ii) of the adopted Local Plan and DM 9 H. (iv).of the LPSV 2017.

With regard to the amenity of no. 33 Buxton Road to the rear, the rear elevation at ground floor would not result in significant increases in the levels of overlooking compared with the existing situation.

The proposal would not result in excessive harm to the amenities enjoyed by the occupiers of dwellings located opposite on Forest Drive or residential properties on the other side of Buxton Road due to the significant separation distance between the application site and these neighbouring properties.

Quality of accommodation (Future occupiers)

Private amenity space – The proposed development now includes a private garden for the occupiers of the proposed flat of approximately 40 sq. m.

Whilst this results in the reduction of the garden space available to the occupiers of the dwellinghouse (No. 21) it is considered that both the dwellinghouse and the flat will have access to private amenity space of a size, shape and nature which enables reasonable use and the proposal is therefore acceptable in this respect and the previous reason for refusal has been successfully addressed.

Outlook – Whilst it is noted that the outlook enjoyed from the main side facing living room windows is restricted by the close boarded fence only 1m away it is also the case that the height of the windows in relation to the fence is such that the fence provides some privacy whilst also allowing outlook to be achieved by the occupier looking out and up above the fence.

Amended drawings 002 Rev 2, 004 Rev 2 and 009 Rev 2 were received on 25th April 2022. These amended drawings removed the previously proposed ground floor living room rear facing obscure glazed window. The obscure glazed window was changed to clear glazed on the advice of the case officer on the basis that it is not required to be obscure glazed to protect privacy and obscuring the glazing in this window does not achieve any other useful purpose (and in fact reduces the level of outlook from this room and the ability to identify people calling at the entrance door to the flat). If the occupiers of the proposed flat wish to look out onto their car parking area then they are entitled to do so.

In conclusion on outlook, whilst the outlook enjoyed from the living room windows is not ideal, in this instance it is considered to be acceptable on balance.

Floor area – The floor area of the proposed flat is 39 sq. m which meets the minimum requirements of national space standards for a studio flat.

The quality of accommodation / living conditions for future occupiers is considered to be acceptable.

Parking arrangements

Essex CC Highways department has no objection to the proposed development.

With regard to parking provision, one space would be provided to the rear. One space is acceptable as a minimum for this flat. This is due to the site being in close proximity to local shops and Theydon Bois London Underground Station. The station is located on a section of the Central Line which is not on a 'loop' unlike some other stations within the District i.e. Chigwell. As such, it's positioning on the tube line results in more frequent train services compared with stations such as Chigwell which are on a 'loop' section of the line. Essex Parking Standards 2009 does permit Local Planning Authorities to allow reduced parking in areas close to sustainable nodes of transport. As such, 1 parking space is acceptable compared with the standard two spaces that would usually be required for the proposed development.

The proposed car parking space has been enlarged to 2.9m by 5.5m and therefore reason for refusal no. 4 of EPF/0066/20 has been overcome and the proposal is now acceptable in terms of car parking provision.

Epping Forest Special Area of Conservation (SAC)

The application site is less than 3km from the Epping Forest SAC.

The Council adopted an Interim Strategy for managing recreational pressures on the Epping Forest Special Area of Conservation (EFSAC) in October 2018. This requires a financial 'recreation contribution' of £352 for each net additional dwelling built within 3km of the EFSAC.

More recently, the Council adopted an Interim Air Pollution Mitigation Strategy (APMS) (dated December 2020, adopted 8th February 2021) in order to mitigate the effects of new development on air quality. This requires mitigation in the form of a financial contribution - £335 per dwelling, as well as ensuring all new car parking spaces have physical access to an EV charging point and provision of digital communications infrastructure to support home working.

Mitigation is therefore required in the form of financial contribution to address recreational and air quality impact as follows:

£352 x 1 = £352

£335 x 1 = £335

Total = £687.

The applicant has agreed to make the required financial contribution by unilateral undertaking.

EV charging point and digital communications infrastructure will be secured by planning condition.

Conclusion:

Recommended for approval subject to conditions and legal agreement.

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:

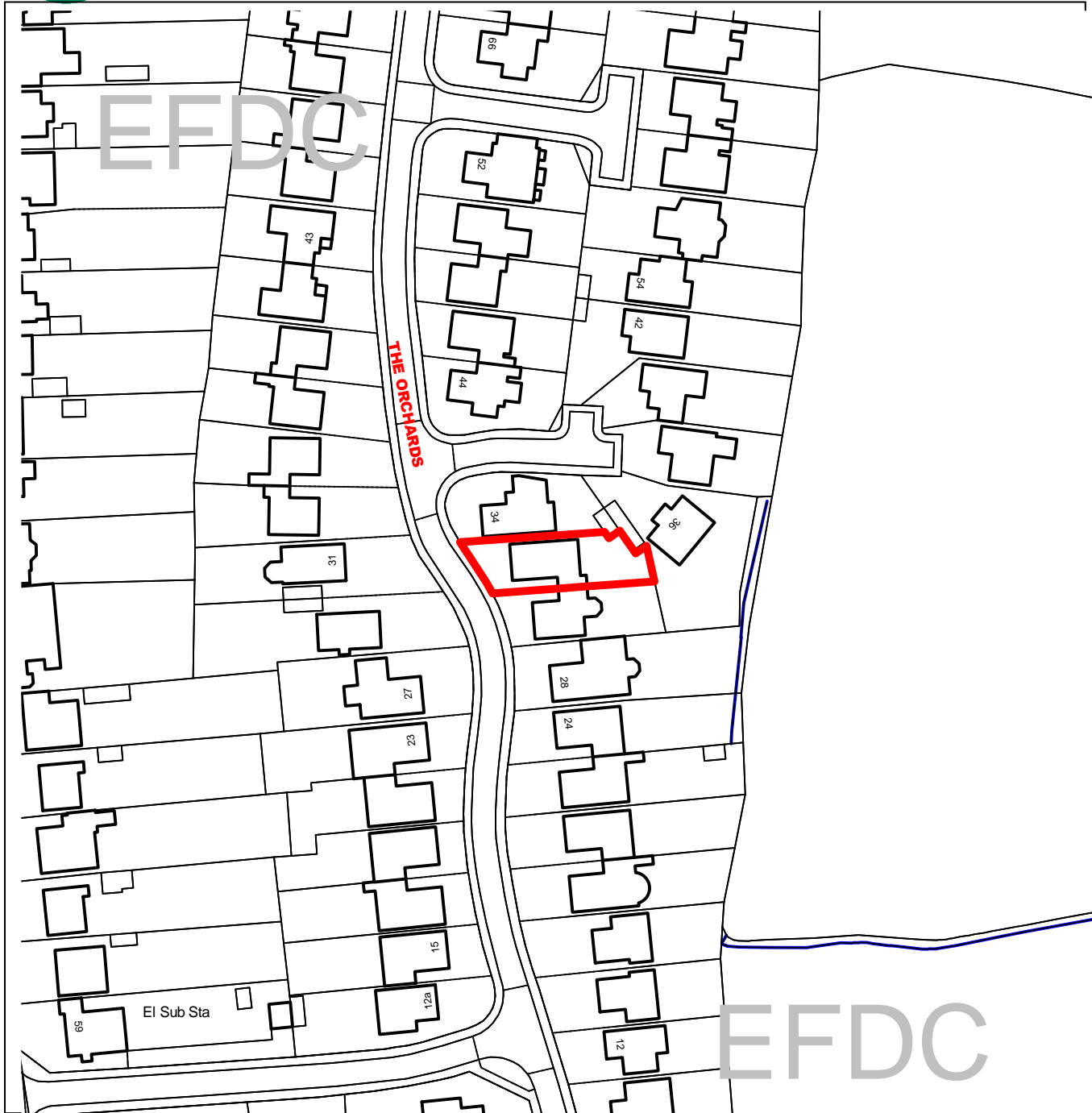
Planning Application Case Officer: Cuma Ahmet
Direct Line Telephone Number: 01992 564000

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

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Application Number:	EPF/2907/21
Site Name:	32 The Orchards Epping, CM16 7BB
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2907/21
SITE ADDRESS:	32 The Orchards Epping CM16 7BB
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr A Simpson
DESCRIPTION OF PROPOSAL:	Proposed conversion of the existing loft space into habitable accommodation with two side facing dormer windows with pitched roofs to south facing elevation and one side facing dormer window with obscured glazing to north facing elevation. The rear gable facing the garden and open fields is to be fitted with glazing with doors and Juliet balcony. This proposal makes efficient use of the existing loft space and is similar to many other similar loft conversions in the locality. This particular loft can be converted under permitted development rights that the dwelling enjoys and can be fully functioning. However, the applicant is applying under the householder application procedure as the overall roof extension compared to the original is just in excess of the 50 cubic metres allowable.
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=659502

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: 21050_001, 21050_002, 21050_101, and 21050_102.
- 3 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] 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.
- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

- 5 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.
- 6 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.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area.

Proposal

The proposal is for conversion of the existing loft space into habitable accommodation with two side facing dormer windows with pitched roofs to south facing elevation and one side facing dormer window with obscured glazing to north facing elevation. The rear gable facing the garden and open fields is to be fitted with glazing with doors and Juliet balcony.

The application form further states: This proposal makes efficient use of the existing loft space and is similar to many other similar loft conversions in the locality. This particular loft can be converted under permitted development rights that the dwelling enjoys and can be fully functioning. However, the applicant is applying under the householder application procedure as the overall roof extension compared to the original is just in excess of the 50 cubic metres allowable.

Relevant Planning History

EPF/0289/79 - Details of rear extension (kitchen and lounge) – Approved

EPF/0417/22 - Application for a Lawful Development certificate for proposed construction of three side facing dormer windows with flat roofs to the existing roof - Lawful

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form & Quality
DBE9	Loss of Amenity
DBE10	Residential Extensions

National Planning Policy Framework 2021 (Framework)

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

- 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:

Paragraphs 126 & 130

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, 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;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 6. No response(s) received
Site notice posted: No, not required

EPPING TOWN COUNCIL – The Committee felt that this proposal is an overdevelopment of the site and would result in the loss of yet another bungalow and set an undesirable precedent in this long-established bungalow area. The proposed design with its large dormer windows does not complement the building and would have a negative effect on the street scene. There are no new bungalows being built but there is a demand for this type of housing from older or elderly people who wish to downsize and live independently but who are not able or do not wish to use stairs. There is a significant and demonstrable adverse impact on the local supply of housing by allowing these conversions. The Orchards is characterised by true bungalows and altering the style of this building would contribute to an undesirable precedent, which will adversely affect the character of this particular urban area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location. Allowing these conversions has an adverse effect on the local supply of this type of housing and is not sustainable as it reduces local choice, diversity and the mix of dwelling types available. The importance of this type of bungalow accommodation has been recognised in the emerging Local Plan and Neighbourhood Plan.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact on the living conditions of neighbouring properties.

Character and Appearance

It is considered that the proposed development is considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building, will not appear incongruous to the street scene nor harm the wider area. It is unclear how the addition of 3 dormer windows within the existing roofscape would amount to harmful overdevelopment of the site, since in most cases they can be constructed without the need for planning permission, subject to, amongst other things, their overall size.

On another note, permitted development rights have not been removed for this property, so there is scope to do a loft conversion without the need for planning permission. EPF/0417/22 has been found Lawful, which has an alternative design than proposed i.e. Flat roof dormers, as opposed to dual pitched dormers. Officers consider that the proposal before members is of a better design.

Furthermore, concerns re the loss of the bungalow are noted, however, as part of the recent Main Modifications a proposal to include a definition of bungalows has been proposed which is as follows:

“Bungalow

A house having only one storey. A bungalow can have accommodation in the roof-space served by accompanying roof-lights and dormer windows. This means that converting the loft of the existing roof to form additional internal accommodation does not result in the loss of that bungalow.”

The proposed dwelling will result in a dormer bungalow and meet the above Policy definition. As such, it is considered that the proposal would not result in the loss of a bungalow.

Accordingly, the proposal is considered to comply with policies CP2, DBE10 & H4A of the LP, Policies H1 & DM9 of the LPSV, and Paragraphs 62, 126 and 130 of the Framework.

Living Conditions

Any harmful overlooking to both neighbouring properties, can be mitigated by a suitably worded condition. To this effect, a condition requiring the side dormer windows to be obscure glazed has been added.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

Conclusion

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

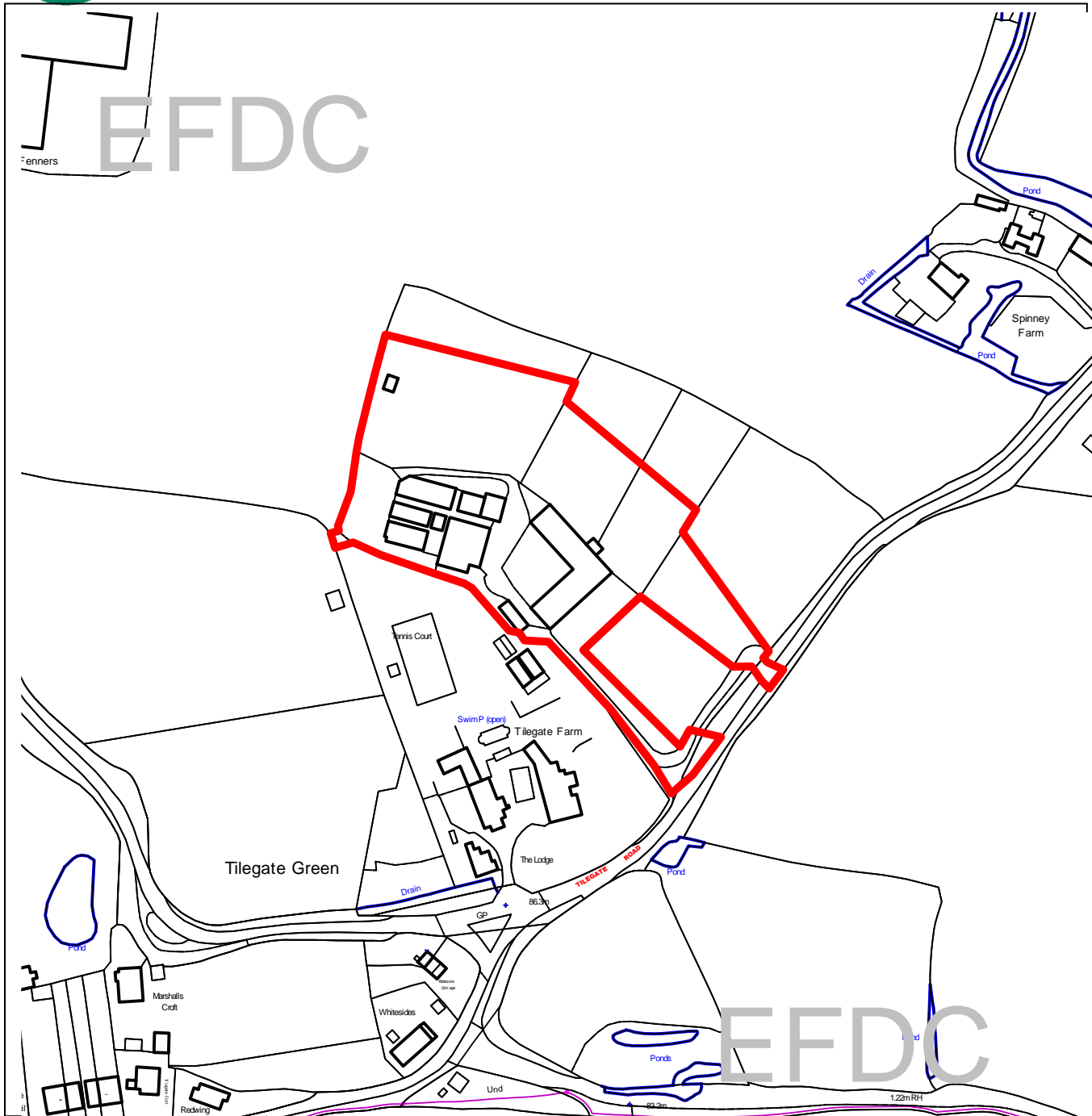
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Muhammad Rahman

Direct Line Telephone Number: 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



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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 Annex, 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.

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).

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.

Permitted Development (PD) Rights

No condition removing Permitted development (PD) rights for the approved dwellings was attached to the original planning permission EPF/1052/17.

Officers considered whether a condition removing PD rights for the approved dwellings should be imposed in the event that the current S73 application is approved.

The applicant has provided a legal opinion which concludes that a condition removing permitted development rights should not be imposed.

The legal opinion notes that there was no condition removing PD rights attached to the original permission EPF/1052/17 and also observes that a realistic fall-back position exists as the applicant could continue to implement the extant planning permission EPF/1052/17 (as amended by the subsequent non-material amendments).

The Council's solicitors have reviewed the applicant's legal opinion and are in agreement that the imposition of a condition removing PD rights would not be necessary or reasonable in this case.

A condition removing PD rights is therefore not recommended.

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 564000***

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