

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 5th October, 2022

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

Council Chamber - Civic Offices
on **Wednesday, 5th October, 2022**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

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

WEBCASTING/FILMING NOTICE

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

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

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

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

1. WEBCASTING INTRODUCTION

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

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

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

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

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 7 - 10)

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 11 - 28)

To confirm the minutes of the last meeting of the Sub-Committee held on 7 September 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/1400/20 UPPER CLAPTON RUGBY FOOTBALL CLUB, 61 UPLAND ROAD, EPPING UPLAND, EPPING CM16 6NL (Pages 29 - 44)

To consider the attached report on improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development.

10. PLANNING APPLICATION - EPF/2309/20 ENVILLES BARN, TWO HOOTS BARN, ABBESS ROAD, LITTLE LAVER, ONGAR CM5 0JH (Pages 45 - 56)

To consider the attached report on the proposed subdivision to create 2 dwellings.

11. PLANNING APPLICATION - EPF/3050/21 4 KENDAL AVENUE, EPPING CM16 4PN (Pages 57 - 68)

To consider the attached report on the demolition of existing dwelling and construction of a new dwelling.

12. PLANNING APPLICATION - EPF/3291/21 THE GATE HOUSE, COOPESALE COMMON, COOPERSALE, EPPING CM16 7QT (Pages 69 - 80)

To consider the attached report on the demolition of the existing dwelling and extensive outbuildings and the erection of a new detached traditional brick-built house (replacement dwelling).

13. PLANNING APPLICATION - EPF/0045/22 SOUTHVIEW, COOPERSALE COMMON, COOPERSALE CM16 7QT (Pages 81 - 94)

To consider the attached report on the demolition of the existing dwelling and extensive outbuildings and the erection of three new detached traditional brick-built dwellings.

14. PLANNING APPLICATION - EPF/0761/22 LAUGHTERS FARM, FAGGOTTERS LANE, MATCHING TYE, HARLOW CM17 0NU (Pages 95 - 98)

To consider the attached report on the demolition of existing rear conservatory and replacing with new rear extension.

15. PLANNING APPLICATION - EPF/1355/22 TILEGATE FARM, TILEGATE ROAD, MAGDALEN LAVER, ONGAR, CM5 0EA (Pages 99 - 114)

To consider the attached report on an application for variation of condition 2 of EPF/3231/21. (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).

16. PLANNING APPLICATION - EPF/1430/22 52 ORCHARD DRIVE, THEYDON BOIS, EPPING CM16 7DJ (Pages 115 - 120)

To consider the attached report on the variation of condition 4 'materials' of EPF/0017/20 (Proposed two storey side and part single and two storey rear extension).

17. 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.

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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 2022-23
Members of the Committee and Wards Represented:

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

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee East	Date:	Wednesday, 7 September 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 8.35 pm
Members Present:	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, P Bolton, P Keska, C McCredie, J McIvor, R Morgan, J Philip, B Rolfe, B Vaz, C Whitbread, H Whitbread and J M Whitehouse		
Members Present (Virtually):	Councillors R Balcombe		
Apologies:	N Bedford, L Burrows, P Stalker and J H Whitehouse		
Officers Present:	G Courtney (Planning Applications and Appeals Manager (Development Management)), R Moreton (Corporate Communications Officer) and L Kirman (Democratic Services Officer)		
Officers Present (Virtually):	R Perrin (Democratic and Electoral Services Officer) and C Ahmet (Planning Officer)		

1. 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.

2. 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.

3. DECLARATIONS OF INTEREST

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

4. MINUTES

Cllr Hadley drew attention to condition 36 of the decision associated with EPF/0016/19 GYPSEY MEAD WORKS, ONGAR ROAD, FYFIELD, ONGAR CM5 0RB, which should read "Fyfield" and not "Stapleford Abbots". Graham Courtney advised this would be corrected on the decision notice.

RESOLVED:

That the minutes of the Sub-Committee held on 10 August 2022 be taken as a read signed by the Chairman as a correct record subject to the above amendment.

5. ANY OTHER BUSINESS

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

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

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

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

7. SITE VISITS

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

8. PLANNING APPLICATION - EPF/2364/19 SITE ADJACENT TO GREAT NOTTS, MORETON ROAD, BOBBINGWORTH CM5 0LU

Application Ref: EPF/2364/19
Application Type: Full planning permission

Case Officer: Cuma Ahmet
Site Address: Site adjacent to Great Notts
Moreton Road
Bobbingworth
Ongar
CM5 0LU

Proposal: Proposed conversion of an existing barn to form a single detached residential unit, retaining existing access & on-site car parking.

Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyP5>

Decision: Approve with Conditions

Conditions: (12)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

18/31008/101
18/31008/102
18/31008/104
18/31008/006
18/31008/007A
18/31008/008A

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the

land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents

and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 10 The driveway access shall be used for purposes connected to the occupation of the residential use of the site and for no other purpose.

Reason : To ensure the use of the vehicle access is connected to the residential occupation of the development and for no other purpose and/or associated uses.

- 11 Prior to any above groundworks of the development hereby permitted, details of provision for adequate storage for waste and recycling for the residential units hereby permitted shall be submitted to and approved by the Local Planning Authority. The measures as agreed shall be complete and available for use prior to first occupation of the residential units and thereafter maintained in accordance with the agreed details.

Reason: To ensure adequate provision is made in a suitable location in accordance with Policy DBE3 of the adopted Local Plan 1998 & 2006, Policy DM11 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to occupation of development, the applicant shall provide details of private garden amenity provision within the site including any landscaping thereof for the written agreement of the Local Planning Authority. The details approved shall be implemented before first occupation and maintained for the life of the development.

Reason: To ensure suitable private garden amenity can be provided for its future occupiers in accordance with Policies DBE4 and DBE8 of the Adopted Local Plan and Alterations (2006) and Policies DM9 and DM10 of the Submission Version Local Plan (2017).

Informatives: (4)

- 13 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 14 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

- 15 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

16 The applicant is advised to note the advice provided by National Grid in relation to the presence of a nearby high pressure gas pipeline. Should the applicant be unsure of the impacts its development may have on the abovementioned infrastructure, you should contact National Grid in the first instance before any works are carried out and/or continued.

9. PLANNING APPLICATION - EPF/1713/20 12-14 BRICKFIELD ROAD, COOPERSALE, EPPING CM16 7QX

Application Ref: EPF/1713/20

Application Type: Full planning permission

Case Officer: Cuma Ahmet

Site Address: 12-14 Brickfield Road
Coopersale
Epping
CM16 7QX

Proposal: Proposed demolition of existing two dwellings and associated structures and redevelopment to provide four new dwellings, associated gardens and infrastructure.

Ward: Epping Hemnall

Parish: Epping

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000Nvml>

Decision : Approve with Conditions - with additional matter to be included in legal agreement relating to the developers liaising with ECC regarding any plans traffic calming within the immediate area

Conditions: (15)

1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

FYU 2 P1B_2

FYU 2 P1B_4

FYU 2 P1B_5

FYU 2 P1B_6

FYU 2 P1B_7

FYU 2 P1B_8

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

3 Prior to any above ground works, documentary and photographic details of the

type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Tree protection shall be implemented prior to the commencement of

development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement reports unless the Local Planning Authority gives prior written approval to any alterations. Tree protection shall be installed as shown on Hayden's Arboricultural Consultants drawing number 8077-D-AIA rev A dated 20th April 2020.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4

of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 11 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to above ground works, all mitigation and enhancement measures and/or

works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (James Blake Associates Ltd, April 2020) and Bat Emergence Survey (James Blake Associates Ltd, July 2020), as already submitted with the planning application and agreed in principle with the Local Planning Authority .

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

- 13 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 14 Prior to the first occupation of the development any redundant dropped kerbs shall be fully reinstated, including footway construction and full height kerbing.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 15 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

Informatives: (3)

- 16 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall

Drive, Brentwood, Essex, CM13 3HD.

- 18 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.

10. PLANNING APPLICATION - EPF/0726/22 MAGNOLIA HOUSE, ABRIDGE ROAD, THEYDON BOIS, EPPING CM16 7NR

Application Ref: EPF/0726/22
Application Type: Full planning permission

Case Officer: Ian Ansell
Site Address: Magnolia House
 Abridge Road
 Theydon Bois
 Epping
 Essex
 CM16 7NR

Proposal: Construction of Pond and Associated Landscaping and Drainage Works.

Ward: Theydon Bois

Parish: Theydon Bois

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyyH>

Decision : Approve with Conditions

Conditions: (8)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1962 SK07 Rev B, SK09 and SK10, 3331/42, and TCTC-18277-L-01 Rev A

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

- 3
- i. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
 - ii. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.
 - iii. The applicant shall submit to the local planning authority a post excavation

assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In order that such features of importance can be recorded for the benefit of posterity, in accordance with policy HC1 of the adopted Local Plan 1998 & 2006, Policy DM7 of the Local Plan Submission Version 2017, and the NPPF.

- 4 All works in constructing the pond hereby approved and associated drainage shall be carried out strictly in accordance with the SuDS Strategy Letter produced by EAS Ltd dated 10th November 2021 submitted with the application, unless otherwise agreed by the Local Planning Authority through an appropriate application.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Hard and soft landscaping shall be implemented as shown on Tracy Clarke Tree Consultancy 'Landscape masterplan – proposed balancing pond' drawing number 'TCTC-18277-L-01 Rev A' (dated January 2022); and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 Prior to the commencement of excavation work, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of

being rolled forward over a five- year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 7 Reason : To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats & species) as updated by the Environment Act 2021, policies NC3, NC4 and NC5 of the adopted Local Plan and Alterations, policies DM1, DM3 and DM5 of the adopted Local Plan Submission Version 2017, and the NPPF 2021.

All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), other than as shown on drawing number 1962 SK07 Rev B, no additional hard surface areas shall be laid between the access road shown on the plan and the pond hereby approved, unless otherwise agreed by the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no above ground plant machinery or other similar equipment relating to the works hereby permitted shall be installed without the prior agreement of the Local Planning Authority through an appropriate application.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of

the Local Plan Submission Version 2017, and the NPPF.

- 10 The pond hereby permitted shall be only for the purposes specified in the application, namely to provide drainage of surface water, and shall not be used for any leisure or recreational activity by occupiers of the adjoining residential property or by any third party without prior consent of the Local Planning Authority through an appropriate application.

Reason: In order to ensure the pond remains available for the stated purpose, and to minimise impact on the Green Belt, local character and amenity in accordance with policies GB2A, NC1, DBE2, DBE9, LL2 and ST2 of the adopted Local Plan and Alterations, policies T1, DM2, DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 11 In the event the pond ceases to be required for the permitted purpose, it shall be infilled and ground levels restored to that of the immediate surrounding land. In such circumstances:
- i. All material required to infill the land shall be imported from an uncontaminated source,
 - ii. copies of waste transfer notes relating to imported soils shall be submitted to the Local Planning Authority for approval, and
 - iii. a verification report from a qualified specialist shall be submitted to the Local Planning Authority certifying the works have been completed in accordance with the requirements.

Reason: To ensure any risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Informatives: (2)

- 12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 13 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.

Further information is available at
<https://www.eppingforestdc.gov.uk/environment/land-drainage-consent/>

11. PLANNING APPLICATION - EPF/1015/22 94 COOPERSALE COMMON, COOPERSALE, EPPING CM16 7QU

Application Ref: EPF/1015/22
Application Type: Full planning permission

Case Officer: Alastair Prince
Site Address: 94 Coopersale Common
Coopersale
Epping
Essex
CM16 7QU

Proposal: Proposed conversion of an existing detached garage to a two storey integrated studio (Revised application to EPF/0444/22)

Ward: Epping Hemnall

Parish: Epping

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nz04>

Decision: Approve with Conditions

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 00.001, 00.100, 50.100

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 94 Coopersale Common, Epping, CM16 7QU, and shall not be used for any separate residential or commercial purposes.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of

accommodation, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to first occupation of the building/extension hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 The existing hedge to the front of the site, adjacent to Coopersale Common, shall be retained and suitably protected during construction works. If the hedge 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 hedge of the same size and species shall be planted within 3 months at the same place.

Reason: To ensure that the building continues to be screened in order to reduce its impact on the character and appearance of the street scene, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, and policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12. PLANNING APPLICATION - EPF/1203/22 13 DUKES AVENUE, THEYDON BOIS, EPPING CM16 7HG**Application Ref:** EPF/1203/22**Application Type:** Householder planning permission**Case Officer:** Rhian Thorley**Site Address:** 13 Dukes Avenue
Theydon Bois
Epping
CM16 7HG**Proposal:** Retention of decorative railings at first floor level**Ward:****Parish:** Theydon Bois**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzMA>**Decision:** Refused**Reason: (1)**

- 1 The proposed development would result in harm to the visual impact of the locality since it fails to respect the local character and appearance of the area, contrary to policy DBE10 of the Adopted Local Plan and Alterations, and policy DM 10 of the Submission Version Local Plan (2017).

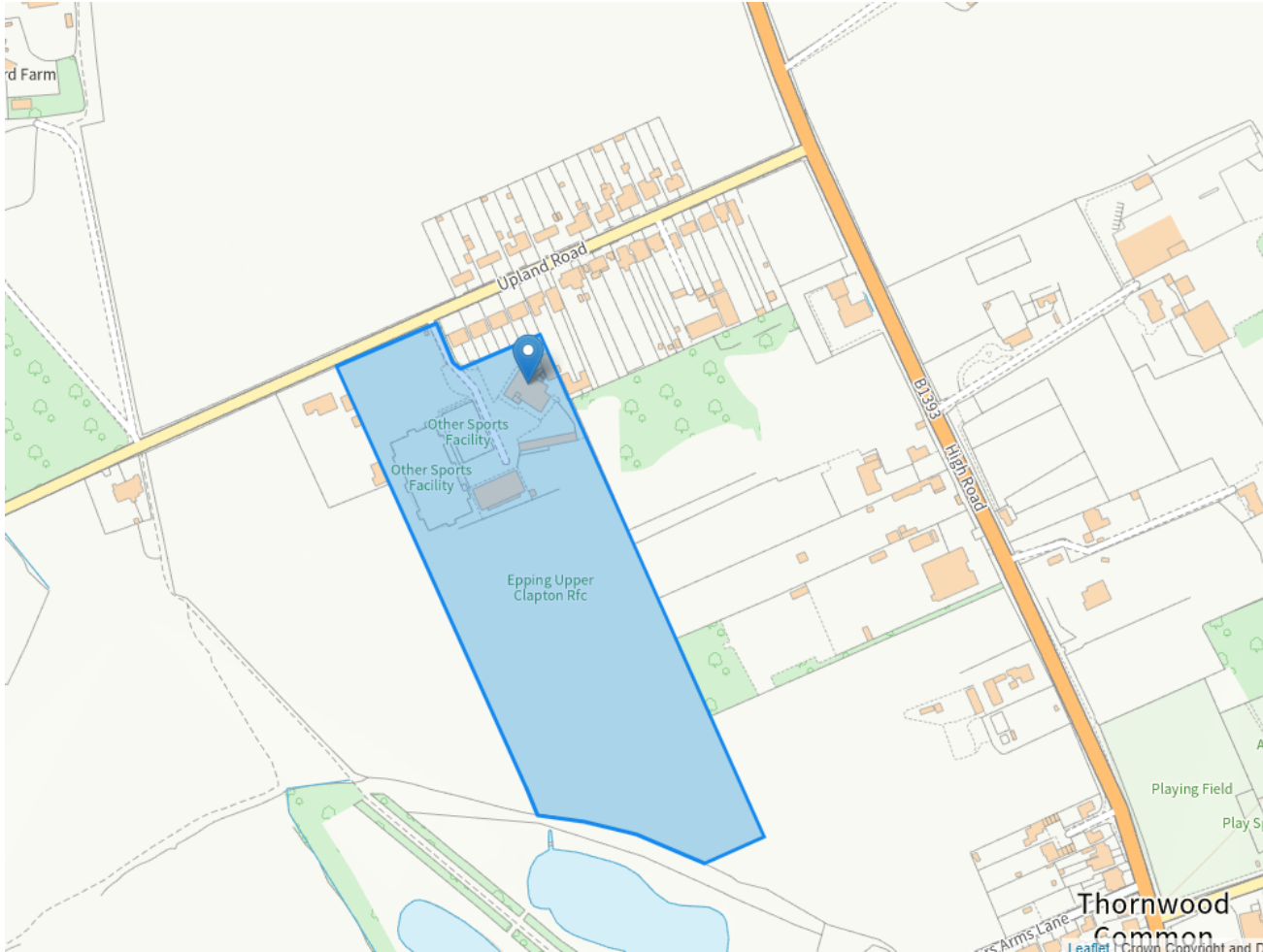
Informatives: (2)

- 2 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 3 This decision is made with reference to the following plan numbers: PL.1A; PL.2A; PL.3A; PL.4A; PL.5A; PL.6A; PL.8A; PL.9A; PL.10A; PL.11A.

CHAIRMAN



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Application Number:	EPF/1400/20
Site Name:	Upper Clapton Rugby Football Club ,61 Upland Road Epping Upland CM16 6NL

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OFFICER REPORT

Application Ref: EPF/1400/20
Application Type: Full planning permission
Applicant: Epping Upper Clapton Rugby Football Club (on behalf of Trustees)
Case Officer: James Rogers
Site Address: Upper Clapton Rugby Football Club
61 Upland Road
Epping Upland
Epping
CM16 6NL

Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>
Recommendation: Refuse

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

Site and Surroundings

Upper Clapton Rugby Club is located on the southern side of Upland Road which is located within the settlement of Thornwood. To the east of the site there are a number of detached and semi detached dwellings in a linear formation fronting onto the road. The sports facilities on the site are set away from the front of the road and there is an open field adjacent to the main road. The site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

Proposal

The proposed development is for Improvements to existing club infrastructure comprising a new all-weather pitch (already constructed) and relocation of existing floodlights, improvements to the club's function hall, demolition of the existing golf range, the addition of further car parking spaces and associated development, and construction of 9 new dwellings.

Relevant Planning History

EPF/0817/12 - Replacement club house and associated development and outline planning for enabling residential development. – Approved

EPF/0917/18 - Construction of 10 dwellings with associated access road and landscaping - Refused

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

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

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
GB2A	Development in The Green Belt
GB7	Conspicuous Development
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

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

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

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

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

Paragraph	108 - 110
Paragraph	117
Paragraph	124
Paragraph	127

Paragraph 130
 Paragraph 131
 Paragraph 133
 Paragraph 143 - 145

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

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

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

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

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

The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	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
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 24

86 Letters of support received including:

- The rugby club is a valued community facility and facilitates good physical, mental and social wellbeing for the community
- The development is critical to the continued use of the site for sport and recreation
- The upgrades to the club will prevent matches being postponed and allow expansion of existing operations
- The club upgrades will allow for more visiting teams to use the facilities
- The new facilities will allow a wider range of sports to be played
- The proposal will ensure the long term financial viability of the club
- The increased parking will be a benefit to the local area

8 letters of objection received including:

- The proposal is inappropriate development in the Green Belt
- Loss of local wildlife
- inadequate drainage facilities
- increased traffic
- Loss of existing trees and hedging

North Weald Parish Council – No objection

Planning Considerations

The report will now consider the application against the requirements of the Development Plan and the emerging Local Plan.

Principle

This application site has not been proposed for allocation in the emerging Local Plan to deliver new housing in the District. A small number of windfall sites have been assumed in the Local Plan, but they are not required for the Council to meet its objectively assessed housing need. However since the Local Plan assumes a certain number of windfall sites will be delivered during the Plan Period, it follows that such sites can be acceptable, providing an application for such development complies with the requirements of the Development Plan and emerging Local Plan when considered as a whole. This issue is considered further in the final planning balance section of this report.

Turning to the potential improvements to the rugby club, such improvements to an existing sports facility can be acceptable in principle however they will need to be considered against the requirements of the Development Plan and emerging Local Plan as a whole.

Green Belt

The National Planning Policy Framework (NPPF) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Firstly considering the proposed improvements to the Rugby Club, it is proposed to provide a new all weather pitch, including the relocation of existing flood lights, proposed improvements to the existing club house, the existing golf driving range and the provision of new parking.

The NPPF sets out that the construction of new buildings should be regarded as inappropriate development unless they are for one of a set of purposes. One of these exceptions is:

Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it

For clarity, the laying of an artificial grass pitch is an engineering operation since it changes the physical nature of the land. A 'building' includes any structure or erection and consequently, the associated fencing is a building for planning purposes.

The proposed all-weather pitch would be used for a variety of different outdoor sports such as football, hockey and rugby and comfortably fulfils the first part of this exception.

Following on from the judgement from Fordent Holdings Ltd Vs SSCLG and Cheshire West and Chester Council, it is clear that paragraph 89 relates solely to buildings, therefore this exception relates to 'facilities' that are buildings. Paragraph 90 of the NPPF sets out other forms of development that are also not inappropriate, providing that they preserve openness and do not conflict with the purpose of including land within it. This includes, amongst other things, engineering operations.

In terms of appropriateness, the proposed new pitch can be considered as an engineering operation and its very nature of being open will ensure it will not cause material harm to the characteristics of the Green Belt.

Turning to the proposed fencing, standing at 5m high around the entirety of the new pitch it will clearly have a significant impact on openness since currently the land is free from development. The fencing thereby fails to preserve the openness of the Green Belt and is therefore inappropriate development.

The proposed function room and flood lighting are clearly inappropriate forms of development since it goes beyond what could reasonably be considered necessary to facilitate outdoor sport and recreation. Since it does not fulfil this exception, nor any other as given by the NPPF it is concluded that it is inappropriate development, which is, by definition, harmful to the Green Belt.

However the planning application granted in 2013 gave consent for the function room in the exact position as the one proposed in this application as well as for floodlighting. Whilst these elements have not yet been erected; since the permission has been implemented they could still be built. In any event the proposed function room in this application is a little smaller than the already approved building and thus would have a lesser impact on openness. In addition the Council could impose a legal mechanism whereby the already approved flood lighting could not be carried out were this proposal to be granted.

Turning to the parking, it is proposed to increase the number of spaces by 22 to bring it to a total of 216 spaces. The new spaces would be contained within the existing site, where there is already existing hardstanding. Consequently the increased provision will not cause material harm to the Green Belt.

Finally and most substantially, the proposed erection of 9 new dwellings on the site is clearly inappropriate development. In addition it would cause significant additional harm to the openness of the

Green Belt both spatially and visually, resulting in a conspicuous form of development on open Green Belt land. It would also directly conflict with the fundamental purposes of the Green Belt and would cause significant additional residential paraphernalia and domestic activity to the area thereby cause an additional significant adverse impact on the character of the Green Belt.

Impact on the surrounding area

Regarding the proposed new dwellings, the site currently consists of an open field which is currently used as an informal parking area from time to time by the rugby club. Set directly behind the site to the south is an existing 3G pitch also used by the club, with associated fencing and flood lighting. The site is however located within a predominately rural setting, which has open land directly opposite and, save from the single bungalow to the west, open land to the south west. To the immediate east is a cluster of houses which form a continuous frontage on both sides of Upland Road. The new dwellings will front onto Upland Road and would effectively follow this continuous pattern of linear development on this side of the road and although it would extend beyond the existing extent of development on the opposite side of the road, (which emphasises its impact in Green Belt terms) it would be respectful to the prevailing pattern of residential development.

In terms of detailed design, each of the proposed new dwellings would effectively mirror the design of the existing dwellings to the east of the site and whilst the lack of variation in their architectural style is uninspiring, they are conventional and of a scale and size not dissimilar to the character or appearance of the street scene.

Turning to the proposed improvements to the rugby club, they will all be contained within the context of the existing club and in general terms would be well integrated within the existing site. Whilst the fencing around the pitch would be somewhat prominent and visible from public viewpoints, it is not uncommon to see such facilities in these settings.

The proposal is therefore compliant with the design policies of the ALP, the EFDLP and the NPPF.

Living conditions of neighbours and standard of accommodation proposed

The existing dwellings which are located adjacent to the site are a significant distance from the edge of the closest of the proposed new dwellings. Therefore there will not be any significant harm caused to their living conditions either through overlooking or any other harm. The new dwellings would each offer a good standard of living accommodation for new residents.

Whilst the improvements to the rugby club could increase general activity in and around the site, this will not cause significant harm to the existing or new residents through general disturbance. Regarding the proposed new floodlighting, a condition could be attached to ensure that they are not used at unsociable times.

Highway and parking

The Essex County Council highway engineer has commented that the proposed access will have good visibility splays and will not cause harm to the safety or efficiency of the public

Land Drainage

The Land Drainage Team consider that the proposal is acceptable subject to planning conditions to ensure that there is a sustainable drainage strategy in place in accordance with the submitted Flood Risk Assessment.

Land Contamination

1940-1970 historic photographs show small buildings, disturbed ground & imported soils present along the Northern & North eastern boundary, 1990 photograph shows the onsite disposal of additional soils during construction of the offsite car park to the East, 2001-2004 photographs show a track created across the top of the site and down the Western side of the site between these dates, and more recent photography shows that made ground has been spread across the site following construction of the 4 dwellings on the former car park to the East.

It is reported that ground gas mitigation measures suitable for Characteristic Situation 2 are to be installed in lieu of additional ground gas monitoring (only a single round of gas monitoring reported to have been previously undertaken) in order to remove the accumulation and inhalation risks to occupiers pathway, which is acceptable provided that a verified proprietary gas membrane with a Gas Protection Score of 2 is used in addition to a very well ventilated beam & block floor void (the use of 1200g or 2000g polythene membranes is no longer acceptable).

Apart from ground gases, the submitted report has not mentioned any specific contaminants associated with former potentially contaminating uses (e.g. Made Ground: *asbestos, PAH, metals & inorganics* or the Electric Substation: *Petroleum Hydrocarbons & PCBs*) and the Qualitative Risk Assessment presented in Table C5 has not been carried out in accordance with the Classification of Severity criteria presented in Table C3 which classifies short term acute potential exposure risks as Severe (e.g. inhalation of asbestos fibres and explosive/asphyxiant accumulation/inhalation ground gas risks) and chronic exposure risks as Moderate (e.g. Lead and Benzo(a)pyrene) which if there is considered to be a Low Likelihood of an event occurring, would result in a Moderate risk for exposure to asbestos and a Low/Moderate risk with respect to other made ground potential contaminants (PAH, Metals & Inorganics) and organic contaminants (PCBs & petroleum hydrocarbons) which would require further investigation.

Provided that a detailed list of potential pollutant linkages is submitted with the required Phase 2 investigation protocol, it should not be necessary for a Phase 1 condition to be added to any approval granted.

The Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation are given the highest level of protection under UK law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the EFSAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the EFSAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any plan or proposal, either alone or in combination, will have an adverse effect the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations (2017) to protect the EFSAC from the effects of development (both individually and in combination) having regard to the representations of Natural England ("NE").

Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the EFSAC. Firstly, as a result of increased levels of visitors using the EFSAC for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest from atmospheric pollution generated by motor vehicles (referred to as "air quality"). Policies DM 2 and DM 22 of the EFDLP provide the policy context for dealing with the effect of development on the integrity of the EFSAC outlined above.

The LPSV was supported by a Habitats Regulations Assessment dated June 2021 ("the HRA 2021"). Two specific 'pathways of impact' relating to new development within the District were identified as

being likely to have a significant effect on the integrity of the EFSAC. Firstly, an 'urbanisation' pathway of impact primarily as a result of increased levels of visitors using the EFSAC for recreation arising from new residential development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the EFSAC from an atmospheric pollution 'pathway of impact' (referred to as "air quality") caused primarily by motor vehicles using roads within 200m of it. The HRA 2021 undertook an Appropriate Assessment of the planned development proposed within the LPSV, including the effect of that development on the EFSAC. The HRA 2021 concluded that, subject to securing urbanisation/recreational pressure and air quality mitigation measures the adoption of the Local Plan will have no adverse effect on the EFSAC. Subject to the suitable delivery of such measures, NE have agreed that an adverse effect on the EFSAC can be ruled out.

Recreational pressure

With regards to recreational pressure, the site is located within the 6.2km zone of influence to the EFSAC and as such new occupants of the development have the potential to use it for recreational purposes, which as noted above has the potential to cause it irreversible harm. However the Council does have a recreation strategy to mitigate against such potential adverse effects. The strategy includes various mitigation measures, including a Strategic Access Management and Monitoring Strategy ("SAMM strategy"). The measures identified require financial contributions from new residential development in the order of £343.02 per dwelling. This is of course dependent on an appropriate method to deliver such financial contributions, which can only be through either a S106 legal agreement or a unilateral undertaking on behalf of the applicant and both are dependent on planning permission being granted.

Air Quality

The HRA 2021 advises that without appropriate mitigation measures, new development proposed in the District would cause harm to the integrity of the EFSAC as a result of atmospheric pollution. A key contributor to atmospheric pollution arises from vehicles using roads in close proximity (i.e. within 200m of the EFSAC).

The Council undertook further technical work in relation to the atmospheric pollution 'pathway of impact' to provide the evidence base to support the development of the Air Pollution Mitigation Strategy (APMS), which has now been endorsed by the Council as a material consideration of significant weight. The APMS identifies a number of mitigation measures, a number of which are required to be delivered as part of individual planning applications alongside strategic initiatives and monitoring requirements, the implementation of which will require a financial contribution to be secured from individual developments.

The evidence base that has been developed to inform the APMS has taken into account Annual Average Daily Traffic (AADT) that would arise from proposed allocations in the EFDLP. The use of AADT is the appropriate method for understanding the effects of atmospheric pollution on both human and ecological health. The APMS therefore provides the mechanism by which the Council can arrive at a conclusion of no adverse effect on the EFSAC as a result of planned development.

The applicant has submitted that the proposal involves the demolition of an existing driving range which is not proposed to be replaced. However the application includes an additional 18 car parking spaces which increases the capacity of the site at peak times for use by the ruby club. The golf driving range is evidently a high traffic generating use and includes a relatively high turnover of vehicles throughout the day. Therefore, whilst the overall level of parking provision is marginally higher with the provision of 18 new spaces, the turnover of comings and goings will be lower with the spaces being utilised by members of the rugby club.

Overall the applicant has demonstrated that there will be a net reduction of 114 AADT movements compared to the existing use. As such the proposal can be screened out beyond reasonable scientific doubt as not having an adverse effect on the EFSAC providing that the golf driving range is demolished and entirely removed from site prior to the first operation of the proposed development and this can be secured through condition.

Very special circumstances advanced

Since the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness and conflicts with its fundamental purposes the applicant must advance very special circumstances to clearly outweigh these harms.

The applicant contends that the erection of the 9 new dwellings would serve as an enabling development, to finance further development on the rugby club. The notion of an enabling development is addressed in paragraph 140 of the NPPF which states:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The Government therefore considers that such development can be acceptable, contrary to a development plan where there would be a heritage asset which would otherwise be at risk. There is no provision for the same principle to be applied for the improvement of sporting or community facilities. However there have been High Court judgements which have suggested that other forms of development can also be considered against this principle, such as in (Thakeham Village Action Ltd) v Horsham DC [2014] EWHC 67 (Admin) where the judge concluded that:

I do not believe that the principles of enabling development are limited to ventures that would protect a heritage asset or a facility that serves or is accessible to the public. And I also reject the submission that those principles do not extend to a financial contribution that would support development undertaken by another company on another site. The jurisprudence does not support either of those concepts.

The scope for enabling development is wide. There are many ways in which it may serve a proper planning purpose. It may fund works of repair or improvement to a listed building. It may fund the protection of a particular habitat. It may fund the provision of a swimming pool for public use, or some other public facility. But that is far from being an exhaustive list of the benefits it may help to provide

Clearly, the notion of an enabling development to fund a community facility can be acceptable depending on the specific circumstances of the case. The enabling development must however be demonstrably in the public interest for such a proposal to clearly outweigh significant policy objections. It must therefore be demonstrated that without the proposed works to the rugby club, that its long term future will be compromised.

The starting point for this assessment is that the Council has previously accepted the notion of allowing an inappropriate enabling development on the land to the east of the application site to fund what the Council considered to be much needed improvements to the rugby club, an important community facility (EPF/0817/12). Under normal circumstances however, if any facility is to develop, expand or otherwise improve their services they would be expected to meet their own costs without requiring inappropriate forms of development.

Whilst the Council accepted the previous application on the grounds that very special circumstances existed, sufficient to outweigh the harm to the Green Belt, this proposal is to be assessed on its own merits. The bar for allowing inappropriate development in the Green Belt is rightly, very high. The question before members is whether the proposed upgrades to the rugby club are absolutely essential for its long term future and are they so fundamental that it justifies the significant harm that would be caused to the Green Belt.

Firstly it is important for Members to understand where the money from the previous application was spent and for an explanation as to why further inappropriate development is now proposed. so far the costs are as follows:

- Clubhouse - £868,971.14

- Enabling works – 131,492
- All weather pitch - £237,511.15
- Other costs (hot water cylinders, cabling, earthmoving, geogrid car park, all weather pitch equipment) - £145,000
- Professional fees - £145,309
- **Total - £1,528,283.29**

In this new proposal, the applicant contends that the enabling development which was previously approved did not allow all the necessary works to be undertaken to the club, this was in part due to alleged rising construction costs and lack of anticipated grant funding, the issue of grant funding is considered later in this report.

At the request of officers, the applicant has provided a financial breakdown of the estimated cost of the proposed works to the club as follows:

- Demolition of old clubhouse - £25,000
- Car parking provision - £261,090
- Netball court alterations - £10,000
- Car park lighting - £19,992
- Function hall - £547,794
- Upgrades to clubhouse (air conditioning, first floor toilets, boot clean extension) - £122,790
- Stormwater attenuation and drainage - £30,000
- Flood lighting - £691,198
- Cycle stands - £6,405
- Pitch improvements - £55,723
- Sinking fund - £240,000
- **Total - £2,009,992**

Officers also requested a commentary from the applicant on why these works are essential for the long term future of the club. The applicant summarised that:

The Club is the largest community facility in Epping and during the peak rugby season it has circa 1000 people through the door over a weekend and the current facilities simply cannot cater for this. The overriding factor is that the club wants to future proof itself and become self-sustaining rather than relying on land disposals. We would also refer to the very successful example of Chigwell Grange. This is home to Colebrook Royals football club and was provided by enabling development. The facilities here are amazing and the club has 32 teams, clubhouse, nature reserve and is self-sustaining now.

Further justification was provided by the applicant that without the removal of the old clubhouse the increased parking cannot be provided; that the increased parking is essential to the ongoing success of the rugby club, that the function hall is required for improving financial viability of the club and that the new all-weather pitch will prevent events being cancelled in wet weather.

It is not disputed that the works noted above are desirable for the club, but their nature and the justification offered by the applicant for them are thoroughly unconvincing. Not a single element of the works noted above have been demonstrated to be essential for the continued use of the site as a sporting facility, which continues to operate despite them not currently being on site at present. On the contrary to the assertions of the applicant, the vast majority of the improvements are considered to be non-essential for its long term viability and should be funded through means other than inappropriate development.

Members attention should be drawn to the previously approved application (EPF/0817/12) where it was concluded that very special circumstances existed. In this previous application the main thrust of the justification was the need for a new clubhouse, which was in a poor state of repair and did not offer

suitable changing facilities for the club as well as the delivery of the new all weather pitch. The need for the new clubhouse was fully supported by Sport England and the RFU as they concluded that:

The clubhouse is no longer fit for purpose, beyond economic repair, is not energy efficient and there are problems with maintaining energy services. From a user perspective, the facilities are considered to significantly fall short of meeting the clubs current needs in terms of scale and quality...The quality of these facilities is considered to be poor due to the age and condition of the building and the design/layout of the clubhouse would not accord with Sport England or Rugby Football Union (RFU) guidance

In addition a structural report was undertaken which demonstrated that the previous clubhouse had structural issues which were considerably more than cosmetic and a new building was required. This formed a key material consideration in the previous application when the Council considered that very special circumstances existed which clearly outweighed the substantial harm caused by the enabling development.

The replacement clubhouse was designed to meet the clubs current and future needs and would address all of the deficiencies of the existing facilities. The clubhouse has now been substantially completed other than the installation of air conditioning and first floor toilets. There is no evidence to suggest that any of these elements are essential for the continued use of the site as a sports club. It appears that rather being essential, they are non-essential albeit desirable elements for the applicant. Similarly the delivery of a function hall (which does not directly facilitate the use of the site for sport), increased parking and a sinking fund cannot be considered to be essential.

Again, it is acknowledged that these works would be desirable for the club and would provide it with increased revenue streams, which in itself contributes to its long term future. However there is little evidence that the club is struggling financially, or with its member base and there is very little justification that without these works that the future of the club would be at risk. This position is taken in the context where the Council has already accepted that this is a valued community facility through the original consent and its long term survival is a strong material consideration. However, in light of the above, it does not follow that a refusal of planning permission would necessarily compromise the long-term viability of this facility and thus the works cannot reasonably be considered to be essential, resulting in a tangible public benefit.

Inappropriate enabling development in the Green Belt should be the last resort to bridging a funding gap and other means of funding should be thoroughly and extensively explored before this option can be favourably considered. So turning to the proposed quantum of inappropriate development, the applicant has provided financial information which shows that the level of housing proposed would deliver the majority of the desired works to the rugby club, however officers are unconvinced that other potential sources of funding have been appropriately sought, in particular through grant funding or low interest loans.

The rugby club has previously sought and received grant funding from the following sources:

- £115,000 from the RFU in 2013
- £50,000 from Sport England in 2013
- £10,000 from ECC in 2013
- £5,000 from Grange Farm in 2013
- £5,000 from EFDC in 2014

These grants were made to contribute towards the delivery of the new all-weather pitch and new clubhouse, which as previously identified were accepted in the previous application as being essential infrastructure for the long term future of the rugby club. Again, to reiterate both of these elements have now been delivered on site.

It is noted that some grant requests made by the club have been refused, however the last of these requests was made in 2015. No grant requests have been sought since this time and as a result it cannot be concluded with conviction that there are no other potential sources of funding for the desired works.

Finally the applicant points to the Council's lack of a 5 year housing supply. Paragraph 74 of the Framework identifies that strategic policies should include a trajectory of expected housing delivery over the plan period. Local Planning Authorities should ensure that there is a supply of deliverable sites sufficient to provide for a minimum of five years worth of housing against their objectively assessed housing requirement.

The Council has a history of not meeting this target and that under existing Development Plan, cannot currently demonstrate a five year supply of sites against the housing requirement. However, as previously noted the EFDLP is now at a very advanced stage in its production.

The Inspectorate has confirmed in correspondence their acceptance of the Council's intention to deliver new housing through a "stepped" trajectory, where delivery of new housing will come forward relatively slowly in the first years after adoption and then significant delivery thereafter. Whilst under the existing Development Plan the Council concedes that it cannot provide for a five year supply of deliverable sites, upon adoption of the EFDLP the Council will have a clear strategy for delivering the necessary new homes through a plan led approach and through an adopted "stepped" trajectory.

In any event, the delivery of 9 new dwellings through this application will not significantly add to the existing housing stock within the District.

Overall planning balance and conclusion

As previously identified in this report, the proposal constitutes inappropriate development in the Green Belt, which causes additional harm to its openness, conflicts with its fundamental purpose and introduces an increased amount of residential paraphernalia and domestic activity to the site causing harm to its character. In accordance with paragraph 148 of the NPPF, the decision maker must attach substantial weight to these harms and the applicant must advance very special circumstances to clearly outweigh them. (Officer emphasis)

The stringent test articulated by Sullivan, J in *R (Chelmsford) v First Secretary of State and Draper* [2003] EWHC 2978, which concerned national Green Belt policy in Planning Policy Guidance Note 2 (which has been replaced by the Framework however, for present purposes, current national Green Belt planning policy has not changed), states within paragraph 58:

"58. The combined effect of paragraphs 3.1 and 3.2 [of PPG2] is that, in order to justify inappropriate development in the Green Belt, (a) there must be circumstances which can reasonably be described not merely as special but as very special, and (b) the harm to the Green Belt by reason of inappropriateness and any other harm must be clearly outweighed by other considerations. Those other considerations must be capable of being reasonably described as very special circumstances. If they are capable of being so described, whether they are very special in the context of the particular case will be a matter for the decision maker's judgment."

In *R (Basildon District Council) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), Sullivan, J clarified the test for demonstrating very special circumstances by confirming that it was not necessary for each factor, of itself, to be 'very special' and that factors which individually were otherwise quite ordinary could cumulatively become very special circumstances.

Clearly therefore, In order to amount to very special circumstances the applicant has to demonstrate that the material considerations they rely upon clearly outweigh the harm by way of inappropriateness and any other harm.

In this instance the sheer quantum of development proposed (9 new houses) and its impact on the openness of the Green Belt is clearly disproportionate to the benefits that will be accrued from the development proposed. It has been demonstrated in this report that the benefits of granting planning permission are very limited, non essential to the long term survival of the rugby club and are not overtly within the public interest to justify inappropriate development and the other harms to the Green Belt.

In previously accepting development of 8 semi detached houses on the adjacent site as enabling development to secure improvements to the club, Members of this committee considered that the quantum was acceptable, given the very poor state of the facilities then existing and the very clear argument put forward at the time that the 8 houses would secure the long term future of the club. In addition, the previously approved application was sited on previously developed land, albeit a car park, and further somewhat mitigated by the fact that development did not extend much further west than the established residential development opposite the site, and essentially therefore completed the ribbon development fronting the road. Neither of these factors apply to the current proposal.

The applicant has set out a number of considerations which they believe clearly outweighs the identified harm and these have been carefully considered, however when considered individually or in combination it is clear that they do not outweigh, never mind clearly outweigh the very significant harm caused by way of a substantial amount of inappropriate development, additional harm to openness, a significant conflict with the fundamental purposes of the Green Belt and further harm caused by increased residential paraphernalia and domestic activity. As such very special circumstances do not exist and the proposal therefore conflicts with policies GB2A and GB7A of the ALP, with policy DM4 of the EFDLP and with the Green Belt requirements of the NPPF. As such planning permission should be refused.

Recommended reasons for refusal

1. The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).

2. Since there is no appropriate mechanism to secure the necessary financial contribution towards managing the effects of recreational pressure on the Epping Forest Special Area of Conservation, the proposal fails to demonstrate its compliance with policies DM 2 and DM 22 of the Epping Forest District Local Plan, policy NC1 of the Adopted Local Plan and Alterations (2006), with paragraphs 181 and 182 of the National Planning Policy Framework (2021) and with the requirements of the Habitat Regulations (2017)

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: James Rogers

Direct Line Telephone Number: 01992 564371 or if no direct contact can be made, please email:

contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (2)

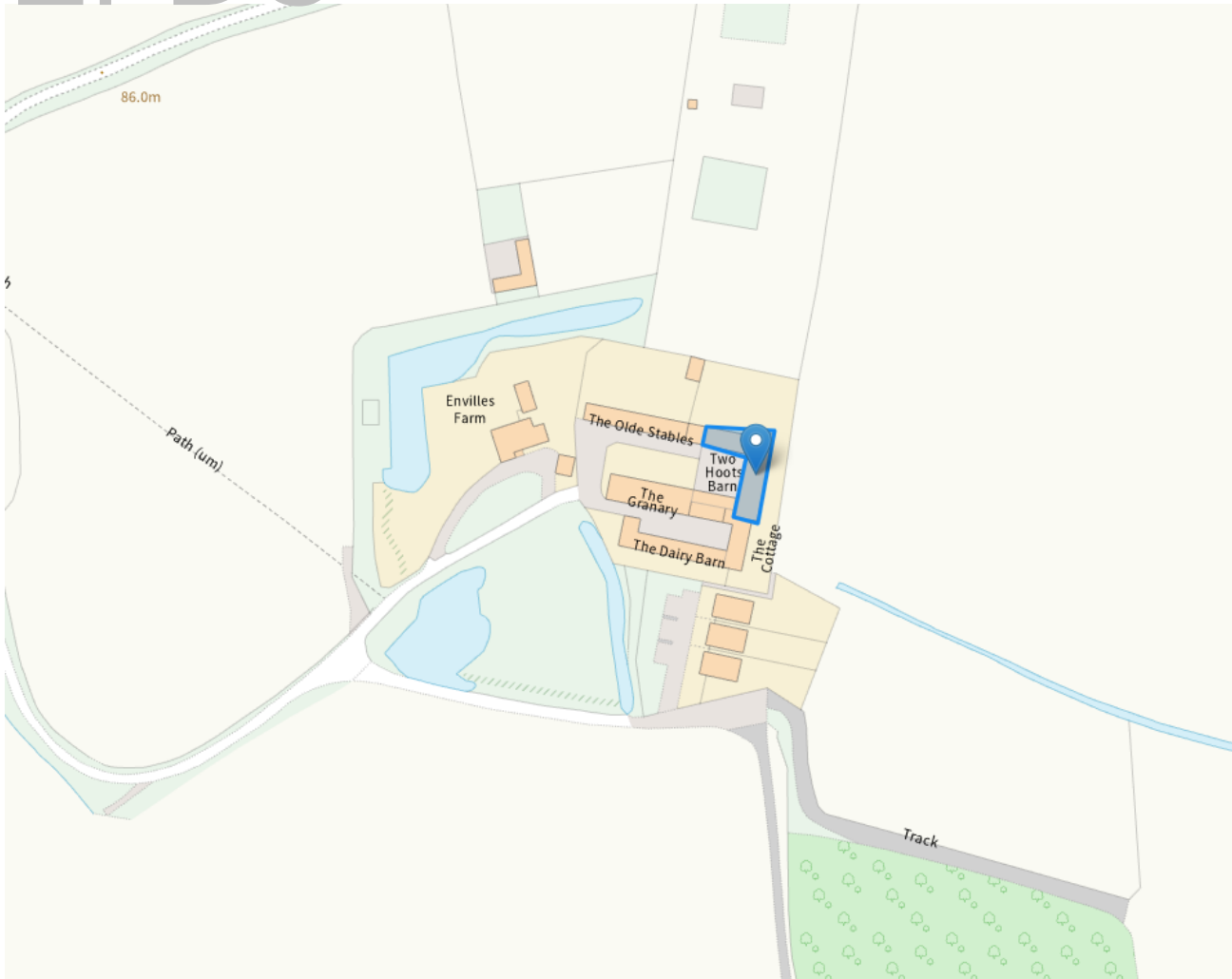
- 1 The proposal constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt. In addition, the proposal would cause significant additional harm to its openness and would conflict with its fundamental purpose of keeping land permanently open. The nature of the proposal would cause a significant increase in the residential paraphernalia in and around the site which would cause additional significant harm to the character of the Green Belt. The very special circumstances advanced by the applicant do not clearly outweigh these identified harms to the Green Belt. The proposal is therefore contrary to policy DM 4 of the Epping Forest District Local Plan Submission Version (2017), with policies GB2A and GB7A of the Adopted Local Plan and Alterations (2006) and with the requirements of chapter 13 of the National Planning Policy Framework (2021).

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Application Number:	EPF/2309/20
Site Name:	Envilles Barns, Two Hoots Barn Abess Road, Little Laver CM5 0JH

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OFFICER REPORT

Application Ref: EPF/2309/20
Application Type: Full planning permission
Applicant: Mrs Sarah Campbell
Case Officer: Caroline Brown
Site Address: Envilles Barns, Two Hoots Barn
Abbess Road
Little Laver
Ongar
CM5 0JH
Proposal: Proposed subdivision to create 2 dwellings.
Ward: Moreton and Fyfield
Parish: Fyfield; Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxLD>
Recommendation: Approve with Conditions

And subject to the applicant first entering into a legal agreement under Section 106 to provide appropriate contributions towards management and monitoring measures on any adverse impact on the Epping Forest Special Area of Conservation with regard to air quality.

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

Description of Site

'Two Hoots' is a large single/ 2- storey dwellinghouse that lies within a small enclave of dwellinghouses. The dwelling forms a U shape within a central courtyard. The property is a barn conversion that originally formed part of the original Envilles Farm complex. A very sparse area of development in the settlement of Little Laver.

Access to the site is from a private road which joins the main public carriageway to the north. The site lies within the boundaries of the Metropolitan Green Belt, and it is not in a Conservation Area or Listed.

Description of proposal

This application seeks the subdivision of the existing dwellinghouse into 2 dwellings. The existing single storey northern aspect of the dwellinghouse is to be converted into a 1-bed bungalow leaving the remaining 2 -storey as a 6 - bed dwellinghouse. The only external alteration is the conversion of a door opening to a window. The proposed dwellinghouse is to provide 2 car spaces and cycle and bin store

Relevant History:

EPF/1848/09 - Amended conversion scheme (pursuant to existing consent EPF/1316/04) including additional residential floorspace within existing building. - Approved.
EPF/0754/08 - Change of use and conversion of redundant agricultural barn to residential use.-

Approved.

EPF/1316/04 - Change of use and conversion of farm buildings to 3 no. dwellings. -Approved.

Policies Applied:

Development Plan Context

Local Plan (1998) and Alterations (2006)

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

CP2 Protecting the quality of the rural and built environment

DBE1 Design of new buildings

DBE4 Development within the Green Belt

DBE6 Car parking in new development

DBE8 Private Amenity space

DBE9 Loss of Amenity

GB2A Development within the Green Belt

GB7A Conspicuous Development

LL1 Rural Landscapes

LL2 Inappropriate rural development

LL10 Protecting existing landscaping features

LL11 Landscaping scheme

ST4 Highway safety

ST6 Vehicle parking

NC1 SPAs, SACs and SSSIs

U3B Sustainable drainage

ST1 Location of development

ST2 Accessibility of development

ST4 Road Safety

ST6 Vehicle parking standards

H1 Housing Provision

RP4 - Contaminated land

NPPF, 2021

The above policies form part of the Council's 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.

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

a) approving development proposals that accord with an up-to-date development plan without delay; or
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

Paragraph 124 -131
Paragraph 133 -149

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

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

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

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

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

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP6 Green Belt and district open land	Significant
DM4 Green Belt	Significant
DM5 Green Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 -Housing Design and Quality	Significant
DM21- Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Consultations Carried Out and Summary of Representations Received

FYFIELD PARISH COUNCIL – NO OBJECTION

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – OBJECTION

- No objection to the separation of this property creating two individual dwellings. Our Neighbourhood Plan (Policy MBL 1.1) supports small houses. There is no further increase of the footprint and therefore no impact on the Green Belt.
 - Our extreme concern is about the site access. The road access to this site is too narrow for a fire engine to reach these properties.
 -
- 6 adjoining neighbours were notified, 3 objections from neighbours have been received that raise the following concerns: -

The Dairy Barn:

- there is insufficient parking available situation made worse.
 - An additional 3 houses would cause issues on a single-track road with no passing points. excessive traffic movements will be dangerous. A modern new build would change the change of the local environment.
 - Noise from 2 properties as it is a rural area
 - over development of the site.
 - Cause a significant change in character and amenity of the site, which is in an isolated rural location in the green belt. It is not a brown field site it is a clear overdevelopment of a green belt site, which the council have already showed concern about through previous planning applications and the conditions attached to them e.g., removal of permitted development rights
 - It is unclear from the plans how the usage of the existing footpaths crossing the site will be maintained.
 - Site has no drainage. Concerned about impact on our moat which is adjacent to site and natural habitat for many animals.
 - The site is within 15 feet of our bedroom
- Catherine Read, Envilles Farm, Little Laver, Ongar CM5 0JH - objection
- A further consultation was undertaken on the 22/03/22 and 3 resident objections have been received that raise the following objections:-

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – OBJECTION

The Olde Stables:

- The only access is across my frontage which is agreed for the main barn but not anymore.
- No extra parking for more cars

Glenn Creswell:-

- Envilles barns were originally granted permission for 3 properties there are 5 already.
- No extra parking has been made available.
- I own the drive going to the property and do not want extra traffic
- Two Hoots has a right of way through my cart lodge I do not want more people having access.
- More maintenance to the drive with the extra traffic.

Main Issues and Considerations

- Appropriateness in the Green Belt,
- Design, Form of Accommodation
- Impact on neighbouring properties

- Parking and Access
- Land Drainage and Contamination
- Impact on the Epping Forest Special Area of Conservation

Impact on the Metropolitan Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 144 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Two Hoots is sited within the Green Belt and where the principle of residential has already been established. The creation of an additional dwelling from an existing dwelling involving no increase in floor area or volume would not result in any significantly greater impact on the openness of the Green Belt or to the purposes of including land within it than what presently exists. It is considered reasonable and necessary to remove 'Permitted Development' rights to ensure that the Council retains control over the size of the building to minimise harm to the Green Belt.

Design, Appearance & Form of Accommodation

In terms of its design and form the proposed new dwellinghouse is considered sympathetic and comparable in context with adjoining development in the surrounding area and complies satisfactorily with the Local Plan that seeks to ensure that development meets the requirements of Chapter 12 of the NPPF and policy CP2, DBE9 of the adopted Local Plan and DM9 and DM10 of the Submission Version, 2017.

The bungalow provides an acceptable level of internal and external amenity space and conforms to policy DBE8 of the Local Plan, and policy DM9 and DM10 of the LPSV.

Neighbouring Amenity and form of Accommodation.

The proposed conversion of part of the existing dwellinghouse into a separate dwellinghouse would not result in any greater harm to the living conditions of neighbour's amenity in terms of noise, disturbance, and privacy than what presently exists.

In summary, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan. and policy DM4 of the Local Plan, Submission Version, 2017.

Other Matters

The concerns of the Parish Council and neighbours are noted. The proposed development is considered of an appropriate design that is in keeping with the character and appearance of the area. The proposed and existing dwellinghouse would each have 2 parking spaces and it is not considered that the introduction of an additional unit would cause a substantial increase in the number of vehicle movements.

Highways and Parking

The new dwelling will be served by an existing private road and the Essex Highway Officer have no objection to the proposal in terms of highway safety which accords with the requirements of ST4 and

Land Drainage

No objection in principle. The applicant is proposing to dispose of foul sewage by package treatment plant and further details are to be submitted to the Local Planning Authority of the disposal of foul drainage prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Land Contamination

The site has former use as a farm and has been used for storage of agricultural products. However, this site has previously been subject to land contamination conditions in order for the land to be made suitable for existing residential use. It is not anticipated that subdivision of the existing dwelling will lead to any risks from contaminated land. On this basis it is recommended that the Council's Contaminated Land Officer must be contacted if any contamination that has not previously been identified is discovered at the site in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Epping Forest Special Area of Conservation

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

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

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

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

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

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

Stage 2: Appropriate Assessment

Atmospheric Pollution

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

Conclusion

The proposal is considered an efficient use of the land that is appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt. It meets expectations both in terms of design and appearance and maintains an acceptable level of amenity to adjoining properties; other aspects in relation to parking/highway safety, landscaping and drainage are considered satisfactory subject to the imposition of conditions which are supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations, it is recommended that planning permission is approved subject to conditions and a 106 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: Caroline Brown

Direct Line Telephone Number: 01992 564 182 or if no direct contact can be made, please

email: contactplanning@eppingforestdc.gov.uk

Conditions: (9)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2311.6 B Amended Layout Plan (September 2022); 2311.4A; 2311.7A; 2311.1A; 2311.8A; 2311.5A; 2311.9A

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

- 3 Electric charging points shall be provided for 2 of the car parking spaces shown on drawing No. 2311.6B. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions and help support improvements to air quality in accordance with Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017, and the NPPF.

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped and an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 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 Classes A-E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties and Green Belt, in accordance with policy DBE9, GB7A; GB2A; of the adopted Local Plan 1998 & 2006, Policy DM4; DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

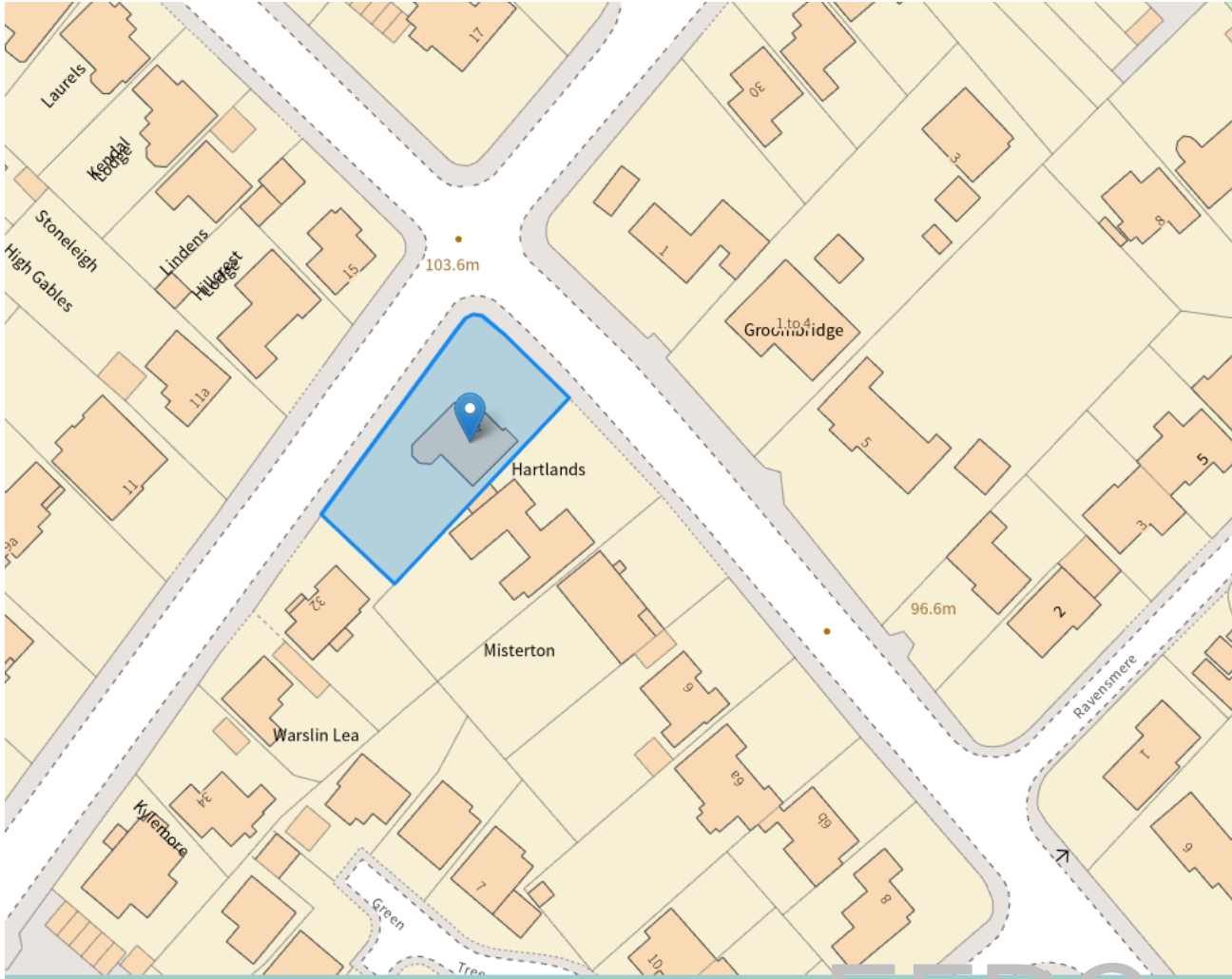
Informatives: (2)

- 10 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 11 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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EFDC



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Application Number:	EPF/3050/21
Site Name:	4 Kendal Avenue Epping, CM16 4PN

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OFFICER REPORT

Application Ref: EPF/3050/21
Application Type: Full planning permission
Applicant: Mr Virk
Case Officer: Caroline Brown
Site Address: 4 Kendal Avenue
Epping
CM16 4PN
Proposal: Demolition of existing dwelling and construction of a new dwelling.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxJo>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and an objection has been received from at least one non-Councillor resident material to the planning merits of the proposal. (Pursuant to The Constitution, Part Three: Scheme of Delegation from Full Council).

Description of Site:

No.4 comprises of a 2-storey traditional hip roof detached dwellinghouse located to the west of Kendal Avenue, a corner site adjacent to Hartland Road which is residential in character defined by predominantly detached houses with some flat developments. The properties vary in design, size, age and spacing and well set back from the highway.

The site is within the built-up urban area of Epping and in walking distance of the Town Centre. The site lies outside of a conservation area and is not listed.

Ground levels around the site rise to the northwest and fall to the southeast. The Lime and Sycamore Trees sited to the front of the site are protected by Tree Preservation Orders.

Description of Proposal:

Permission is sought for the demolition of the existing dwellinghouse and the erection of 2 storey 5 bed detached dwelling involving rooms in the roof with side and rear dormers. The existing vehicle access to the north boundary of the site is to be removed.

Relevant History:

EPF/2206/19 - demolition of the existing detached house and replacement with a highly detailed new mansion building containing 6 apartments following refusal of a 5, 2 bedrooms flats, unit proposal.- Refused - 06/11/2019

EPF/1348/18 - Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. Refused Permission on 13/08/2018.

Dismissed on appeal Appeal 29th March 2019 Ref APP/J1535/W/18/3215517

EPF/2335/17 – Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 6 no. 2 bedroom flats. Allocated parking. Cycle store. Bin store. Refused Permission on 25/10/2017 for the following reason:

- Due to its excessive height and its width fronting onto Hartland Road, and design detailing including the provision of narrow 3 storey gable features, which intrude into the roof, the proposed development will result in a prominent and incongruous feature in the street scene, entirely out of scale and keeping with the prevailing pattern of development in the locality, and harmful to the character and visual amenity of the area. This unsympathetic change is exacerbated by the significant prominence and visibility of the site in the street scene. The proposal is therefore contrary to policies DBE1, CP2(iv) and CP7 of the Adopted Local Plan and with paragraph 17 of the National Planning Policy Framework which seeks to secure high quality design.

EPF/1401/17 - Demolition of existing dwelling house and erection of a new build project consisting of 5 flats. Refused permission on for the following reasons:

- 1.The development due to its excessive height, bulk, scale and density amounts to overdevelopment of the site, out of keeping with and harmful to the character and visual amenity of the area and the street scene, contrary to policies CP7 and DBE1 of the adopted Local Plan and Alterations.

- 2. The introduction of a car lift in close proximity to the adjacent residential property will result in noise and disturbance to the residents of that property, resulting in excessive harm to residential amenity contrary to policy DBE9 of the adopted Local Plan and Alterations.

EPF/0924/13 - Demolition of conservatory, erection of two storey side extension and single storey rear extension, loft conversion and internal alterations. Grant Permission with Conditions on 27/06/13

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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

CP1: Achieving Sustainable Development Objectives
CP2: Protecting the Quality of the Rural and Built Environment
CP3: New Development
CP6 Achieving sustainable urban development patterns
CP7 Urban Form and Quality
CP9- Sustainable Transport
DBE1: New Buildings
DBE2: Effect on neighbouring properties
DBE3 - Design in Urban Areas
DBE6 - Car parking in new development
DBE8: Private amenity space
DBE9: Neighbouring residential amenity
LL10: Adequacy of provision for landscape retention
LL11 Landscaping schemes
ST1: Location of development
ST6: Parking provision
H2A: Previously developed land

H3A Housing Density

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.

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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 of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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

--

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant Significant
H1 Housing mix and accommodation types	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of wastewater 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 Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: OBJECT and confirm that they will attend to speak at Plans East to object to the proposal

- Loss of a large attractive family house
- over development of the site in terms of height and bulk, the bulk would be overbearing and an overly dominant effect on the street scene.

-
Number of neighbours consulted: 18 and 9 objections have been received that raise the following concerns:

11 Hartland Road -

- Whilst it is different to the many previous applications, several of the issues still remain, most notably the increase in bulk on this prominent corner. The height and breadth of the building would be very overbearing.

- Please also note the recent refusal at 32 Hartland Road, next door to this property, due to the 'bulky and dominant' front gable.

8 Ambleside -

- The size and scale of the proposed new house is out of proportion to the plot and to existing houses in the area. over development.
- The junction is a black spot re road traffic accidents and this proposal does nothing to improve access to the property.

Hillcrest Lodge Hartland Road:

- The house in question is a very nice, large family home. The proposed demolition and redevelopment are grossly out of proportion with other surrounding properties and would spoil the street scene. This application feels as though it could be modified to flats if and when permission was granted.

30 Buckingham Road –

- over development of the site. Out of keeping with the area. Also looks like a route to get permission and then vary to convert to flats as this has been sought before. The current house is a lovely family home and should not be demolished.

Misterton Kendal Avenue:

- The proposed development is over dominant for the site. The design is over-bearing and out-of-scale in terms of appearance and out of keeping with the street scene.
- Overbearing on neighbouring properties due to its size, bulk and scale.
- contravenes policy H3A (density), policy DBE9 amenity) & DBE2 (effects on neighbours) CP2 & CP7.
- Previous refused applications at this address seem to be similar in size and scale to this latest proposed development (EPF/3050/21), albeit previous applications were for a residential flat building containing 5 or 6 flats.

5 Kendal Avenue:

- over dominant for the site, in a corner plot, one of the smaller plots on Kendal Avenue overbearing on both heartland road and Kendal Avenue
- out of keeping with the street scene.
- This proposal seems to be of a similar scale to previous applications for 6 flats what was rejected.

Flat 4 17 The Oaks Kendal Avenue

- object to the tearing down a perfectly good and fitting property, to replace it with what can only be described as a mansion, which is too big and unsuitable for the location, which is directly across the Hartland Road / Kendal Avenue crossroads from my flat.

Epping Society-

- This is one of a number application for what is essentially another unacceptably large building and proposes a design that still is an overdevelopment of the site; too large and fails to respect the scale of the surroundings and the setting.
- The site is directly on the crossroad of Hartland Road and Kendal Avenue Consequently, there are long views of the site from all four approaches and create a property that dominates the area.
- The demolition of a perfectly sound and in-keeping property is unacceptable.
- The carbon emissions generated in the demolition of the existing dwelling and
- construction of a new dwelling will have an unacceptable climate impact.

June Windrow -

- The proposal is far too large for the site and not in keeping with surrounding properties – a property that size needs to be on a much larger plot.

Main Issues and Considerations:

The main issues for consideration in this case are as follows:

- The principle of the development.
- Impact on the character and appearance of the site and surrounding area.
- Impact on the amenity of neighbouring residents.
- Impact on existing trees and Landscaping
- Parking and highway safety.

Principle of Development

The application site comprises previously developed land and therefore in principle could be suitable for redevelopment subject to satisfying all other relevant policies of the adopted and emerging Local Plan.

Design, Character and Appearance

Kendal Avenue is principally made up of two storey detached dwellings that vary in design, width and form. The design and appearance of the proposed development is of significant merit with the siting and design similar to what presently exists. Whilst the footprint of the building has increased to the north and rear, the flank elevations of the property are well set in, between 2.3 - 3.7m from the north boundary and between 1.3-1.5m from the south boundary which maintains the spaciousness around the property. The increase in the depth of the property is balanced against the width which is also well set in from the side boundaries, between 2.3m- 4.6m.

Overall, it is considered that the that the scale and form of the dwellinghouse fits comfortably within the size of the plot and in design terms, the scale and bulk of the development is considered visually compatible with neighbouring properties and the streetscape. Accordingly, the proposed redevelopment of the site complies with policies CP1, CP2, DBE3, DBE10 of the adopted Local Plan (2008); policies SP1, SP2, DM9, DM10 of the emerging SVLP (2017) and the National Planning Framework which advocates for the presumption in favour of sustainable development.

Neighbouring Amenity and the form of Accommodation.

The closest property is Hartlands, sited to the south of the proposed development which is a large dwellinghouse with a low roof and eaves, but which forms the full width of the plot and extends significantly deep into the rear. Planning permission has been approved for 2, 2 storey 4 -bed houses with rooms in the roof on this site in 2021 ref: EPF/1376/19. The siting of the dwellinghouse which is well set in from the side boundaries would ensure that there are no significant harmful amenity implications in terms of loss of light, outlook, overlooking or privacy. The proposed south flank first floor windows are to give light to ensembles and conditioned to be obscure glazed and non-openable above a height of 1.7m from the internal floor height of the room to prevent any overlooking or loss of privacy. The proposed rooflights are modest in size and sited high in the south roof slopes so as not to result in any overlooking.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Comments on Representations Received.

The concerns of the Parish Council and neighbouring properties are noted. The proposed development provides a quality, sustainable residential dwelling that respects the overall scale, height and relationship to the plot boundaries and to the surrounding built form. Previous refused applications on the site were for flatted development and substantially much larger in scale and bulk. This proposal is a domestic

dwellinghouse not too dissimilar to the design and character of what presently exists but with an additional recessed 2 storey side and rear extensions and dormer windows.

Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject the attachment of conditions to ensure that the proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Trees and landscape

No objection. The development complies with the requirements of policy LL10 of the Local Plan and DM5 of the of the Local Plan Submission Version 2017, and the NPPF 2021 subject to conditions which are considered reasonable and necessary.

Land Drainage

The applicant is proposing to dispose of surface water by sustainable drainage system. No objection subject to further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Epping Forest Special Area of Conservation

Replacement dwellings are not considered to have any additional impact on the integrity of the EFSAC, both in terms of recreational pressure and air pollution, as there would be no increase in visitors to the Epping Forest, nor an increase in vehicle movements above what is currently achievable with the existing dwelling. Therefore, as competent authority, the Council is satisfied that the proposed development complies with the Habitats Regulations 2017, policy DM2 and DM22 of the LPSV and paragraph 175 of the Framework.

Conclusion:

It is concluded that the proposal is an efficient use of the land, sufficiently maintaining the character, appearance of development in Kendal Avenue and surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the National Planning Policy Framework.

In the light of the above considerations, it is recommended that planning permission 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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (15)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2612 - 01; 02; 03; 04B; 05 B

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

- 3 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Prior to the first occupation of the development the existing access of Hartland Road shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety

- 9 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

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

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Tree protection shall be installed as shown on Moore Partners 'Tree Protection Plan' drawing number MP/4KA/02 (dated 3rd December 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 14 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

- 16 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 17 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org



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Application Number:	EPF/3291/21
Site Name:	The Gate House Coopersale Common CoopersaleCM16 7QT

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OFFICER REPORT

Application Ref: EPF/3291/21
Application Type: Full planning permission
Applicant: Mr R Balasuriya
Case Officer: Caroline Brown
Site Address: The Gate House
Coopersale Common
Coopersale
Epping
CM16 7QT

Proposal: The demolition of the existing dwelling and extensive outbuildings and the erection of a new detached traditional brick-built house (replacement dwelling).

Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nxb0>
Recommendation: Approve with Conditions

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

Description of Site

The Gate House comprises of a large 'L' shaped, 2- storey detached 5 bed dwellinghouse located to the west of Coopersale Common, built on a generous plot with a deep rear garden separated from other properties to the north by a Public Right of Way. The property has been previously extended.

The surrounding area is residential in character comprising of large individually designed 2 storey dwellings of a varied front building line. The property lies outside of the Metropolitan Green Belt, not listed or located within a conservation area.

Description of Proposal

The application seeks consent to demolish the existing dwelling and rear outbuildings and construct a new replacement 5 bed detached traditional brick-built house with basement.

The replacement dwelling is comparable to the siting of the approved extended scheme of 2019 involving the removal of the existing side/rear garage sited to the north boundary. The proposed side flank elevations are to be set in between 1.5-2m from the first-floor side boundaries and the front projection sited 1.5m further forward than what presently exists but no further forward than what has previously been approved in 2019 under planning ref: EPF/1988/19. The ground floor rear elevation is to extend 5m beyond the rear aspect of the existing main dwellinghouse.

A submitted structural engineers' statement with the application confirms that the existing dwellinghouse is in need of substantial repair. In order to allow good thermal performance and structural continuity the property would result in a loss of 75% of the existing footprint and that with the building costs would be disproportional, unsustainable, and uneconomic when compared to a complete rebuild.

Relevant History

EPF/1988/19 - Enlargement of existing 2 storey front projection to include double garage, replacement of rear extension with a single storey rear extension to be used as living accommodation; north boundary 1.8m high wall; a 2-storey side and first floor rear extension; first floor rear balcony; front bay; replacement windows and other minor alterations- Approved

Applied Policies

DEVELOPMENT PLAN

Local Plan (1998) and Alterations (2006)

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

Epping Forest Local Plan and Alterations (1998/2006)

-
CP1- Achieving sustainable development objectives
CP3 - New Development
CP5 - Sustainable Building
CP6 - Achieving sustainable urban development patterns
CP7 - Urban Form and Quality
CP9 - Sustainable Transport
RP4 - Contaminated Land
RP5a Environment Impacts
DBE1 Design of New Building
DBE2 Impact on Neighbouring Properties
DBE3 Design in Urban Areas
DBE8: Private amenity space
DBE9 Neighbouring residential amenity Loss of Amenity
H2A - Previously Developed Land
ST4 Road Safety
ST6 - Vehicle Parking
LL10: Adequacy of provision for landscape retention
LL11- Landscaping schemes
ST1: Location of development
H4A: Dwelling Mix
U3B - Sustainable Drainage Systems
NC1 SPA's, SAC's and SSS1's

NPPF, 2021

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

a) approving development proposals that accord with an up-to-date development plan without delay; or
b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

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

Paragraph 126 -130

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
H1 Housing mix and accommodation types	Significant
H3A Housing Density	Significant
H4a Dwelling Mix	Significant
T1 Sustainable transport choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant

DM5	Green and Blue Infrastructure	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM 11	Waste recycling facilities on new developments	Significant
DM16	Sustainable drainage systems	Significant
DM18	On site management of wastewater 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
T1	- Sustainable transport choices	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: Objection and confirm their attendance at the Committee to object to the proposal

- Design not in keeping with the traditional rural village
- Detrimental to the street scene
- Demolition of a perfectly good family dwellinghouse

7 adjoining neighbours were notified, and 1 objection has been received that raises the following concerns: -

102 Coopersale Common:-

- visually intrusive, overly dominant, overbearing, and extensive development considerably higher and deeper than the existing house. sited closer to the road and with an immense roof facing and dominating our house and garden, our neighbour's properties and the public footpath.
- overshadow the public footpath as well as our houses and gardens, creating a sense of enclosure.
- Loss of daylight/ sunlight and privacy from our house and garden.
- concern about possible tremors or ground movement from the basement resulting in possible damage to our house.

Main issues for consideration

The main issues for consideration are: -

- Design, size and impact on the character and appearance of the surrounding area.
- Impact on neighbouring amenity.
- Form of Accommodation.
- Trees and Landscaping
- Parking and highway safety.
- Drainage- Contamination
- EFSAC

Design, Character and Appearance

The application site comprises previously developed land within the boundaries of an existing settlement (Coopersale) and therefore in principle could be suitable for redevelopment subject to satisfying all other relevant policies of the adopted and emerging Local Plan.

Coopersale Common is characterised by large 2-storey detached dwellinghouses that vary in design and front main building line. The proposed replacement dwellinghouse is of a different design to what presently

exists but of a similar footprint, height and siting to the approved extended scheme of 2019 and follows a similar established front building line of its nearest neighbour to the north. The principal elevation and entrance remain the same as the existing dwelling and the first-floor side elevations are set in between 1.5-2m from the north and south boundaries.

The reduced form of the dwellinghouse fits comfortably within the size of the plot and the cat slide roof with low eaves reduces its scale when compared to the existing dwellinghouse. The increase in the depth of the rear ground floor does not extend as deep as the existing rear /side garages to the north boundary and the changes have created a design that is more proportionate, sensitive, and integrated in terms of the historical context of its surroundings

Overall, the development makes a positive contribution towards conserving and respecting the setting, character and appearance of Coopersale Common and in terms of the quality of design, it is considered to comply with paragraph 126 and 130 of the NPPF and policy CP2, DBE1 and DBE3 of the Local Plan and policy DM9 and DM10 of the Submission Version, 2017.

Neighbouring Amenity and form of Accommodation.

The property is set in spacious grounds well separated from neighbouring properties which would ensure that it would not result in any harmful amenity implications in terms of loss of overlooking, overbearing or privacy. The proposed first floor side flank windows are to give light to non-habitable rooms and conditioned to be obscure glazed and non-openable above a height of 1.7m from the internal floor height of the room to prevent any overlooking or loss of privacy.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

The property provides an acceptable level of internal and external amenity space in accordance with the national prescribed space standards and policy DBE8 of the Local Plan, and policy DM9 and DM10 of the LPSV.

Comments on Representation Received.

The concerns expressed by the Parish Council and the resident are noted. There is no objection to the development of this urban location for residential which accords with the presumption in favour of sustainable development and afforded significant weight.

The proposed dwellinghouse has been amended in scale and alignment which respects the overall scale, height and relationship of the dwellinghouse to its plot boundaries and to the character and appearance of the surrounding built form and would not prejudice the amenity of the occupiers of adjoining properties in accordance with the requirements of policies DBE1, DBE2, DBE3 and DBE9 of the Epping Forest District Local Plan seeks that seeks to ensure that new development is satisfactorily located and is of a high standard of design and layout.

Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021. subject to a condition regarding surface treatment of the vehicular access.

Trees and Landscaping

No objection to this application subject to the addition of conditions for the retention of trees and shrubs and the application of the submitted Tree Protection Report in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021

Land Drainage

No objection in principle but requires further surface water details to be submitted prior to preliminary groundworks commencing in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

The site has acknowledged potentially contaminated land due to a filled pond. As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues. Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition. The condition is considered reasonable and necessary in compliance with RP4 of the Local Plan.

Epping Forest Special Area of Conservation

Replacement dwellings are not considered to have any additional impact on the integrity of the EFSAC, both in terms of recreational pressure and air pollution, as there would be no increase in visitors to the Epping Forest, nor an increase in vehicle movements above what is currently achievable with the existing dwelling. Therefore, as competent authority, the Council is satisfied that the proposed development complies with the Habitats Regulations 2017, policy DM2 and DM22 of the LPSV and paragraph 175 of the Framework.

Conclusion

It is concluded that in terms of design, layout, height and siting the proposal sufficiently maintains the character and appearance of the surrounding area and would not result in any amenity implications on neighbouring dwellings. Other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) , the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above, it is recommended that planning permission 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: Caroline Brown: Direct Line Telephone Number: 01992

564182 or if no direct contact can be made, please email:

contactplanning@eppingforestdc.gov.uk

Conditions: (16)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: (02)001, (02)003, (02)005, (02)006, (02)007, (02)008, (02)009, (02)010, (02)013 Rev B, (02)014 Rev B, (02)015 Rev B, (02)016 Rev B, (02)017 Rev B, (02)018 Rev B, (02)019 Rev B, (02)021 Rev B, (02)025 Rev B

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

- 3 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially

contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

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

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

- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 12 Removal of excavated material Tree Protection Tree protection shall be installed as shown on the Writtle Forest Consultancy Ltd 'Arboricultural Method Statement & Tree Protection Plan Ref No: 220115' (drawing number '220115/01 Rev A') dated 3rd February 2022. prior to the commencement of development activities (including any demolition). The methodology for

development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021

- 13 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 14 The garage hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling(s) and their visitors along with incidental storage and for no other purposes.

Reason: It is essential that the garage be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations, Policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 15 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF

- 16 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (3)

- 17 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 18 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- 19 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2 of 2

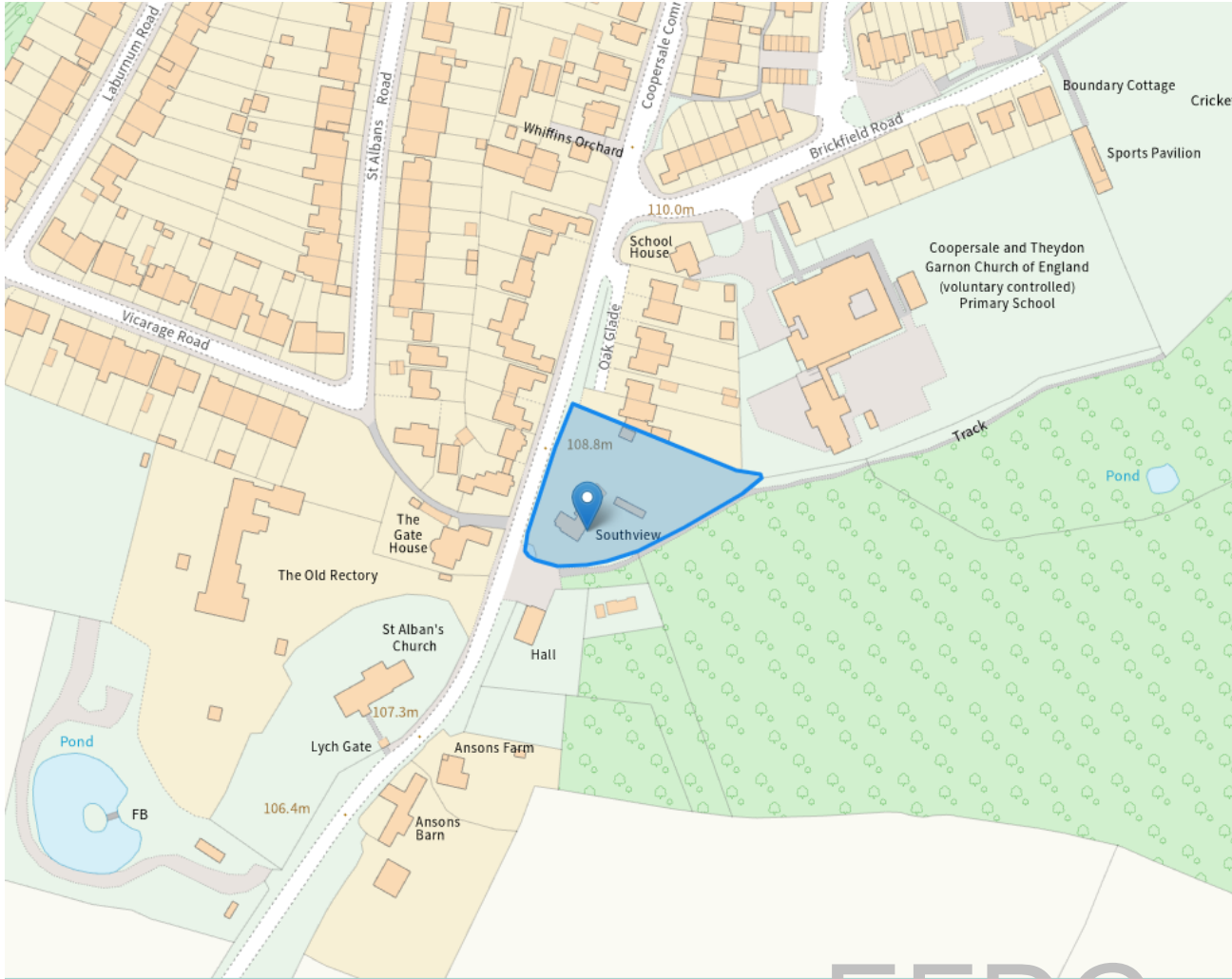
ii. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public Footpath no.20 Epping, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure

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Application Number:	EPF/0045/22
Site Name:	Southview Coopersale Common Coopersale, CM16 7QT

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OFFICER REPORT

Application Ref: EPF/0045/22
Application Type: Full planning permission
Applicant: Carlton House Holdings
Case Officer: Ian Ansell
Site Address: Southview
Coopersale Common
Coopersale
Epping
CM16 7QT
Proposal: The demolition of the existing dwelling and extensive outbuildings and the erection of three new detached traditional brick-built dwellings.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxyU>
Recommendation: Approve with Conditions

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

Description of Site:

The application site comprises around 0.25ha located on the east side of Coopersale Common and marking the southern edge of the Coopersale settlement. The existing dwelling, a two storey chalet style building, lies towards the southern end of the site where the existing vehicle access is located.

The area to the north comprises a mix of residential buildings. The southern boundary of the site marks the boundary with the Green Belt and the local footpath network abuts. Immediately south lies St Albans Church Hall and its adjacent car park.

Description of Proposal:

The application proposes demolition of the existing buildings and replacement with three detached houses. Two full two storey dwellings to the northern end are of similar design and handed, and each comprise of five bedrooms. The southern plot comprises a smaller two bedroom dwelling with the upper floor set within the roofscape.

The two larger dwellings are provided with double garages on the frontages, plot 1 will be served by a new vehicle access from Coopersale Common and plots 2 and 3 by the existing access.

The application is supported by a number of reports including Contaminated Land Assessment, Arboricultural Impact Assessment, Preliminary Ecological Assessment and Sustainability Statement.

Relevant History:

EPF/2326/18 – demolition of existing and erection of nine dwellings - refused

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
CP7	Urban form and quality
NC1	SPA's, SAC's and SSSI's
NC4	Protection of established habitat
RP4	Contaminated land
U3B	Sustainable Drainage Systems
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE8	Private amenity space
DBE9	Loss of Amenity
LL3	Edge of settlement
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST1	Location of development
ST2	Accessibility of development
ST6	Vehicle parking

NPPF (July 2021):

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 9, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 127, 130, 131, 132, 135

- 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
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
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 20 June 2022
Number of neighbours consulted: 13
Site notice posted: No, not required
Responses received: Comments have been received from four neighbours.

Residents at 5 and 6 OAK GLADE, and 102 COOPERSALE COMMON have objected, raising the following issues:

- over intensive development on the plot
- impact on character of the village from the loss of the hedgerow for vehicle access
- amenity issues – loss of light and privacy, general physical impact
- highway safety issues with new access, including absence of a waiting area for vehicles entering the site.
- impact on general natural environment
- infrastructure capacity
- quality of information in the application

Resident at ANSONS BARN HOUBLON HILL has supported the application, commenting that there is nothing detrimental about the proposal.

Parish Council: Epping Town Council objected to the amended application, commenting as under:

Whilst Committee note the further revisions, these revisions have not addressed Committee's previous concerns.

In addition, the design of this new proposal is not appropriate to the streetscene and within this rural village setting. The Committee also agree that the replacement of a family house which has become delapidated should be like for like with the existing dwelling and not be three family dwellings to replace one family dwelling on this site.

The proposal is a vast overdevelopment of the site in terms of its size and density, which would result in a loss of amenity for neighbouring properties in terms of overlooking, visual impact and dominance.

Coopersale is a rural village which has already seen major development on the former allotment site and the village infrastructure cannot cope with any more multiple development. The proposal to erect additional homes on this site would adversely affect the character of the surrounding area and have a detrimental effect on the street scene, as the large hedgerow that would be lost as part of the development is a key visual feature on the approach into this rural village. The site also abuts Green Belt land and the Essex Way and the prominence of this proposal would adversely affect these key green spaces and natural wildlife habitats.

The proposal would have an extremely detrimental effect on Highway safety, as the entrance would be located on a very dangerous bend where traffic approaches at speed and where there is no adequate pavement. This development would attract many additional vehicles, accessing the site on a regular basis. The access to this site cannot accommodate such an increase in vehicular movement and would result in harm to the existing area, through which the new traffic would move, including the neighbouring church hall. This would be extremely heightened during the period of construction.

Main Issues and Considerations:

The site lies in something of a unique location, being on the edge of a village which has many of the attributes of an urban settlement in its street pattern and intensity of development while adjoining the Green Belt and the much sparser form of street fronting ribbon development to the south.

Notwithstanding the differences between the two, the site lies clearly within the settlement and should be considered primarily in this context. As such, this site should be considered as an under-utilised parcel of land within the built up area. The existing building has little design merit and is not worthy of protection. Thus, the principle of a residential redevelopment is acceptable.

The site is constrained by its relationship with the adjacent landscape as well as its unusual shape. Land to the south and east includes ancient woodland and a SSSI forming part of Gernon Bushes, and hedgerows run around three boundaries. As a result of discussions, the application has evolved from the original submission to place a greater emphasis on broader landscape retention, and to introduce new planting to improve the buffer between the protected landscape and built development. New tree and wildflower planting is proposed to the rear to strengthen the buffer, and new tree planting to the side boundaries of the larger plots and frontages will soften the development and add visual separation.

In this context, the overall scale of proposed development is appropriate to the location. Even with the buffer to the rear, dwellings sit within spacious plots with usable garden areas (the smallest usable garden area to the two bedroom dwelling is around 80 sq.m in area), and have adequate off street parking. The larger buildings are two storeys in height and are set back from the road in order to reduce their impact on the street scene. The tallest part is in the front gable section with the remainder being made up of pitched roofs which fall swiftly away. The applicants have submitted comparative elevations to indicate the buildings are of similar height to the existing neighbouring houses. The smaller dwelling on plot 3 steps down in height, reflecting the falling levels in the road, and better to manage the transition to the adjoining hall. The screening provided by the hedge further reduces impact on the character and street scene. In an area of mixed built forms and plots, the development is not considered to be out of character with the immediate surrounding area, nor over intensive.

In terms of neighbour amenities, the revisions since the application was first consulted have had regard to the relationship in particular with the adjoining property to the north such that the depth of the building abutting has been reduced, the terrace has been moved a minimum of 10m from the common boundary and additional boundary screening introduced. As result, direct harm in terms of overshadowing and visual dominance has been minimised. Reduction in the height of the garages on the frontage of plots 1 and 2 further lessen the visual impact of the development.

Two of the dwellings will be served by the existing site access at the southern end which lies off the main carriageway. A new access is required to serve the northern most dwelling. There is a narrow

highway verge extending along the site frontage which with alterations to the edge will allow visibility splays for vehicles existing the site to be achieved, and there is sufficient space within the plot for vehicles to turn and exit in forward gear (an opportunity not afforded to most properties in the vicinity including those directly opposite the site). The Highway Authority have not objected to the proposed access and subject to conditions this aspect can be adequately dealt with in detailed design.

The site lies outside of 3km but within 6km of the EFSAC area. The development proposes a net increase in residential development and attracts contributions in terms of recreational pressure and air quality impact as a result. The applicants have agreed to meet these obligations in full accordance with the relevant mitigation strategies and a draft Unilateral Undertaking is in place to deal with this. In light of this, an Appropriate Assessment has been undertaken as under:

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

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

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

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

Stage 1: Screening Assessment

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

- 1. The site lies within the 3km - 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 would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.*
- 2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.*

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC. As the application proposal lies more than 3km from the boundary of the EFSAC there is a requirement to make a lower scale financial contribution as set out in the Mitigation Strategy.

Atmospheric Pollution

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

Appropriate Assessment Conclusions:

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

Conclusion:

Following amendments which address many of the issue raised in the consultation responses, officers consider the level and form of development now proposed to be appropriate to the site located within (albeit on the edge) of the recognised settlement. The properties have been designed to a similar scale as the overall local character of the surrounding properties, and are sited in order to minimise potential impact on immediate neighbours.

The location of the site abutting a protected landscape requires conditions to be placed to protect the wider setting, and the new access will need to be the subject of detailed design development. However, officers are sati

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

Conditions: (20)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 280/07 (02) - 001, 003, 004, 006, 008, 009, 012A, 013A, 014A, 015C, 016A, 017B, 018B, 025A, 026A, 027A, 028A, 029A, 035A, 036A, 037A, 038A, 039A, 040A, 045, 046, 047, 048, 049, 058A, 059A, and 100, and SJG3472

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

- 3 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the

development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 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.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with policy DM1 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to the commencement of development other than groundworks, details of the design of the vehicle access to Plot 1 including visibility splays shall be submitted to and approved by the Local Planning Authority. All works shall be fully implemented prior to first occupation of the dwelling.

Reason: To ensure that adequate vehicular access is provided to serve the development, in accordance with policies ST2 and ST7 of the adopted Local Plan and Alterations 1998 & 2006, policies T1 and DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 11 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 12 All construction traffic and contractor vehicles shall enter and exit the site from the existing vehicle access.

Reason: In the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 13 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 14 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

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

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to

ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 16 Areas shown on the landscape plan 280/07 (02) 040 A as wildflower and fern meadows shall be protected by a fence, details of which shall be submitted to and approved by the Local Planning Authority prior to installation. All works shall be completed in accordance with the agreed details prior to first occupation of any of the dwellings hereby approved.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 18 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed within the parking area of each dwelling and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 19 Any gates erected on the vehicular access to the Plot 1 shall be set back a minimum of 6 metres from the highway.

Reason: To allow vehicles to stand clear of the carriageway while gates open and in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C and E of Part 1 to schedule 2] shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties , in accordance with policy DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (2)

- 21 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 22 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.



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Application Number:	EPF/0761/22
Site Name:	Laughters Farm Faggotters Lane Matching Tye CM17 0NU

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OFFICER REPORT

Application Ref: EPF/0761/22
Application Type: Full planning permission
Applicant: Mr and Mrs Neha and Ollie Stringer
Case Officer: Marie-Claire Tovey
Site Address: Laughters Farm
Faggotters Lane
Matching Tye
Harlow
Essex
CM17 0NU
Proposal: Demolition of existing rear conservatory and replacing with new rear extension.
Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyyp>
Recommendation: Approve with Conditions

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

Description of Site:

The application site consists of a detached dwelling within a large plot located on the south side of Faggotters Lane within a rural area. The site is within the Metropolitan Green Belt, there are nearby residential properties but otherwise surrounded by open fields. The site is not within a Conservation Area or is a Listed Building.

Description of Proposal:

The application seeks consent for the demolition of the existing conservatory and replacement with a single storey rear extension. The extension has a depth of 4.9m and is the full width of the existing property. The proposal has a crown roof to a height of 3.1m. Works commenced back in March and have been finished so this is a retrospective application.

Relevant History:

EPF/1461/17 - (i) Two storey side extension (ii) First floor side extension (iii) Insertion of two additional rear dormer windows to serve enlarged accommodation in roofspace (iv) New main entrance door and porch canopy to left hand side flank elevation (v) Increase height of chimney stacks. – Refused

EPF/0075/12 - Extension of time limit to planning application EPF/2438/08. (Two storey side and rear extension and rebuild rear conservatory together with new vehicle access, drive and gates.) – Approved but not implemented and expired

EPF/2438/08 - Two storey side and rear extension and rebuild rear conservatory together with new vehicle access, drive and gates – Approved

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

CP2	Protecting the quality of the rural and built environment
GB2A	Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

NPPF:

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

Epping Forest District Local Plan (Submission Version) 2017

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

DM4	Green Belt
DM9	High Quality Design

Consultation Carried Out and Summary of Representations Received

MORETON, BOBBINGWORTH AND THE LAVERS PARISH COUNCIL: No objection

Number of neighbours consulted: 3

Neighbour responses:

Little Faggotters - Building Works began in March 2022 when it was reported to the Council Planning Department. Neighbours were not informed of the Planning Application until the 6th May, when the roof was going on. This is a retrospective application and should not be granted.

Main Issues and Considerations:

Impact on the Green Belt

The rear extension replaces a large conservatory, but this proposal is wider and deeper than the existing conservatory.

The original floor area of Laughters Farm was around 184sqm, which was then extended in 1973 and it was this development which introduced the cat slide roof feature to the side. The dwelling was then extended again in 1995 with the addition of a conservatory which added 42sqm. Planning permission was then granted in 2008 for a first floor side and rear extension. This consent was never implemented so an extension of time application was lodged in 2012 which proposed the same . development and this was granted, both of these have lapsed.

This extension adds a further 52m² so is an increase on the existing situation of 10m²m (as the 42m² of the conservatory is being replaced). Given this small change, and that the proposal will be viewed in the context of the existing building, does not extend to the side and is single storey, the extension is considered proportionate to the existing building and therefore has limited harm to the Green Belt.

Design

The extension is a fairly standard design and complements the existing house.

Impact on Neighbouring Amenity

The extension is some 8m from the side boundary and therefore no amenity concerns are raised.

Response to Comments Received

Although this is a retrospective application, it is still assessed in the same way as a proposed application.

Conclusion:

The proposal is considered to comply with relevant planning policy and it is recommended that 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: Marie-Claire Tovey

Direct Line Telephone Number: 01992 564414

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

Conditions: (1)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Site Location Plan FL2109/01 FL2109/02 FL2109/03 Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.



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Application Number:	EPF/1355/22
Site Name:	Tilegate Farm, Tilegate Road, Magdalen Laver, CM5 0EA

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OFFICER REPORT

Application Ref: EPF/1355/22
Application Type: Removal/variation of conditions
Applicant: Mr & Mrs C Sullivan
Case Officer: Kie Farrell
Site Address: Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar, CM5 0EA
Proposal: Application for variation of condition 2 of EPF/3231/21. (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)
Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1nb>
Recommendation: Approve with Conditions

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 development is being built out and two of the three houses are complete and occupied.

In May 2022 a Section 73 Minor Material Amendment application (EPF/3231/21) was approved creating a planning permission which consolidates the original EPF/1052/17 scheme with the subsequently approved NMAs along with some additional amendments relating to the design of the main house. This included the retention of an original secondary access road.

The current Section 73 Minor Material Amendment application seeks permission for amendments to planning permission EPF/3231/21.

Description of Proposal

Application for variation of condition 2 of EPF/3231/21. (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 current application is a Section 73 Minor Material Amendment application to permission EPF/3231/21.

The submitted covering letter states:

“This current application for an MMA relates only to the annexe and garage / tractor buildings. There is no change proposed to the residential buildings, nor to any other element of the permitted proposals. The changes being as follows:

- relocate the annexe and garage / tractor buildings from the north to the south of the application site*
- changes to the elevations of both the annexe and garage / tractor buildings*

For the avoidance of doubt, the footprint of both the annexe and garage / tractor buildings remains unchanged. In effect, the buildings have simply been ‘flipped’ to a different part of the site. The re-design of the buildings maintains the broad height and scale of the currently approved buildings. The ridge height of the buildings has been maintained, albeit the eaves height of both buildings has been lowered. For ease of reference, a comparison of proposed and permitted is shown on the new application drawings, i.e. (02) 031A and (02) 041A.

The minor changes to the proposals follows the latest review of the scheme, especially in light of the recently permitted changes to the main house. The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site, thereby reducing the presence of vehicles to the north of the site. The elevations of the annexe and garage / tractor buildings have been ‘toned back’ to represent an architectural mix of the barn and house vernacular, with brick gables overlooking the main house and the neighbouring property and the timber siding towards the barns and road.

As the proposals do not result in an increase in the footprint, massing or height of the proposed buildings, there will be no impact upon the openness of the Green Belt.

It is considered that the proposals are indeed minor and can be legitimately considered by way of an application under Section 73 for a minor material amendment. It is requested that condition 2 of the May 2022 permission be amended, so as to allow the replacement drawings, as listed above.”

The amendments proposed are as follows:

- Re-positioning of annex and garage/tractor store buildings from the north to the south of the site
- Annex building. First floor flank windows reduced in size. First floor rear window serving staircase removed. 3 front dormers added. Design changes. No increase in height or footprint.
- Garage/Tractor store building. Design changes. No increase in height or footprint.
- The covering letter states that the new position of the buildings will facilitate the use of the ‘secondary access’.

Relevant History (File 006988)

EPF/3231/21 - 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).

- Approved at Area Planning Sub-Committee East meeting held on 11 May 2022.

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
HC12- Setting of Listed Buildings
LL1 – Rural Landscape
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 were 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

DM7: Heritage Assets

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 EPF/1355/22 for the application for variation of condition 2 of EPF/3231/21. (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) at Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar, CM5 0EA.

Moreton, Bobbingworth and the Lavers Parish Council do acknowledge that the above application to modify and reposition both the Annexe and Garage/Tractor buildings, now conforms to the original planning permission EPF/1052/17 with the exception of one house which is already constructed on green belt land.

However, we do have concerns which we have detailed below and object for the following 3 reasons

- **Harm to the setting of Grade 11 Listed Buildings** the two, now identically proportioned buildings, (Annexe and Garage/Tractor) will have a harmful impact on the setting of the two neighbouring Grade 11 Listed Buildings, Tilegate Farm and Tilegate Barn. In the previously granted 2017 permission only the Annexe was within the vicinity of the two neighbouring Grade 11 Listed Buildings the smaller garage/tractor building was at least double the distance away and therefore less harmful to the setting of the two Grade 11 Listed Buildings. Whilst we appreciate that the buildings are in a less damaging orientation to reduce the impact, we feel that this will still be damaging to the setting of the 2 neighbouring Grade 11 Listed Buildings. Within planning policy, the important contribution that setting makes to the heritage sets is acknowledged by Part 16 of the NPPF, paragraph 190 - conserving and enhancing the historic environment.*
- **Highway Safety Issue** in the Cover letter from Danny Simmonds he states “The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site” We repeat our previous comments, the secondary access to the site was the subject of Planning Application EPF/1223/00 which was refused due the access being a Highway Safety Issue. Planning permission was subsequently granted for EPF/0637/01 with a new access on Workers Road, but subject to the following conditions, in brief*
 - Condition 2. Prior to the commencement of the development, details of the proposed surface materials for the access road shall be submitted to and approved by the Local Planning Authority. Reason : To ensure that a satisfactory surface treatment is provide in the interests of highway safety and visual amenity.*
 - Condition 3 The existing access on to the road shall be closed as soon as the new access hereby approved becomes operational. Reason: In the interests of highway safety.*
- We are not aware of any new full planning permission that has been granted to re-open this dangerous previously closed access.*
- There is now a Traffic Curved mirror which has been erected opposite this access, we believe on the Essex CC Highways grass verge, but it appears that there is not a planning application submitted to EFDC for the erection of this mirror. The Highway authority do not normally allow the use of a mirror on the verge of the road and generally do not support their use.*
- **Contamination** We brought to the attention of EFDC in our previous objection to EPF/3231/21. the issue of lorry loads of contaminated waste which have been imported on to this site, We would draw your attention to EFDC Planning Policies POLICY RP4- CONTAMINATED LAND and NPPF Framework Ground conditions and pollution 183. & 184 Georgina Blakemore CEO of EFDC when writing to a parishioner in September 2020 stated “Following the submission of photos showing earthwork , the importing of potentially contaminated material to form bunding on this and the houses site has been reported to Essex County Council, to which they have responded that they have no jurisdiction over this*

as a waste authority but may require a permit from the Environment Agency.” We do not believe a Permit from the Environment Agency has ever been submitted to EFDC and nothing has been done by EFDC to deal with this Potentially Contaminated Housing Development Site In an earlier letter to the same parishioner she writes “Since these planning applications were decided, the process on contamination has already changed such that a phase 1 contamination report is submitted up front with the planning application rather than deal with it later by a condition attached to the planning permission” However this current Section 73 Application, for new permission to be granted , does not have a “phase 1 contamination report being submitted upfront with the planning application” We feel that this should be in place for this application in order to deal with the potential contamination on the Housing Development Site.

- We request that all Permitted Development Rights be removed. The houses have been built and awaiting another storey. The Permitted Development Rights have been misrepresented by the applicant.

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

6 Neighbours consulted. 1 objection received:

FENNERS FARM, FENNERS FARM LANE:

“A section 73 Application has to consider the requirements of the current Local Plan

From Martin Edwards of Cornerstone Barristers “It is settled law that section 73 does not permit the Council to ignore the wider considerations affecting the grant of permission since a successful section 73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions – see *Pye v Secretary of State for the Environment, Transport and the Regions and North Cornwall DC* [1998] 3 P.L.R. 72 and *R. (Wilkinson) v Rossendale BC* [2003] J.P.L. 82 at [53]-[57]. This point is further illustrated by *Stefanou v Westminster City Council* [2017] EWHC 908. In *Stefanou*, planning permission had previously been granted for the restoration of a listed building in Mayfair, including a three-level basement. On a section 73 application to modify relatively minor details of the scheme, the Council paid no regard to the advent of new development plan policy with which the basement development conflicted. The Council took the view that the basement development was already permitted, so that their approach was justified. *Gilbart J* held that the approach was in breach of the statutory requirements to consider the development plan, and quashed the planning permission and a related listed building consent.

The following issues should be considered with regard to this Application. This list represents the primary issues only.

The Setting of the two listed buildings.

The proposal site is located to the North East of Tilegate Farm a group of historic farm buildings, two of which are listed at Grade II. The relocation of two new substantial buildings within the development site now falls within their landscape setting. The important contribution that setting makes to the significance of heritage assets is acknowledged by the NPPF. Paragraph 190 states that significance can be harmed through development within the asset's setting. Setting is defined as the surroundings in which a heritage asset is experienced and elements of the setting can contribute to the significance of the asset as well as affecting the ability to appreciate that significance. The proposed change of location bringing the development closer to the historic farm buildings harms that setting.

Reuse of the closed Entrance

This entrance was closed as it was dangerous under EPF/0637/01. No consultation has taken place with Highways. In addition screens walls and gates should be Conditioned.

Drainage

The current build has at least three treatment plants installed two of which discharge into blind and or dry ditches. In particular, The Main House drainage discharges into the Tilegate roadside ditch which has no obvious outlet. Another uses an already inadequate culvert to cross the Tilegate Road. The Applicants Drainage proposals were rejected by EFDC's Drainage Officer but passed by Planning Officers with no explanation.

Permitted Development Rights should be removed.

The original Officers Report shows that PD rights were only retained by the Applicant because the Officer swallowed the misinformation supplied, the Applicant said only 984 sq meters gross internal area, "a reduction in built form", the houses were no higher than the original buildings, now we are way over 2,000 sq meters of development in the Green Belt. The Applicant has misused his current PD rights, the built houses have been constructed with extensions already incorporated, they sit there now waiting for their second storey

Affordable Housing.

From Martin Edwards of Cornerstone Barristers: "Section 73 applications must be determined in the planning circumstances that exist today and not on the basis on which the original planning permission was granted. Therefore, current affordable housing implications and requirements must be applied to this application, and it would be appropriate for the Council to impose conditions to this effect. If the Council decides not to do so, then it will be incumbent on it to provide a reasoned explanation for not so doing otherwise it risks setting a precedent for other developers to exploit."

The Submission version of the Local Plan states:

"On development sites which provide for 11 or more homes, or residential floor space of more than 1,000 sq m (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site."

EFDC should require that the applicant entered into a Section 106 Agreement to secure a commuted payment for the provision of affordable housing

Contamination

A Contamination Condition is required as the Annex is to be built on the footprint of the industrial unit.

This list is not comprehensive further comments will follow the Officers Report."

Officer response to objections

The current assessment is limited to consideration of the amendments to the positions of the annex and garage/tractor store buildings proposed by the current application. Otherwise, the application details are as previously approved, including the secondary access.

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, any relevant highway issues, tree and landscaping issues and any other material planning considerations.

Green Belt

The Officer's Report for the EPF/1052/17 applications detailed out the Green Belt impact in respect of the NPPF and the development plan. The conclusion was that this was previously developed land because 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. 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 was 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 S73 application:

The current application proposes to re-position the annex and garage/tractor store buildings. Since the original permission EPF/1052/17 was granted in June 2017, these buildings have been re-positioned on several occasions under previous Non Material Amendment applications, including to positions on the site similar to that now proposed. Importantly no increase in the height, floor area or volume of the buildings is proposed.

It can therefore be concluded that 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/3231/21.

The proposed development therefore remains acceptable in Green Belt terms and complies with the Green Belt policies of the Adopted and emerging Local Plan.

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 prior to granting permission for the extant consent EPF/3231/21.

At that time the applicant provided a legal opinion which concluded that a condition removing permitted development rights should not be imposed.

The legal opinion noted that there was no condition removing PD rights attached to the original permission EPF/1052/17 and also observed 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 reviewed the applicant's legal opinion and were in agreement that the imposition of a condition removing PD rights would not be necessary or reasonable.

The above position applies equally to the current S73 application and therefore a condition removing PD rights is not appropriate or 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."

The current application proposes:

- Re-positioning of annex and garage/tractor store buildings from the north to the south of the site
- Annex building. First floor flank windows reduced in size. First floor rear window serving staircase removed. 3 front dormers added. Design changes. No increase in height or footprint.
- Garage/Tractor store building. Design changes. No increase in height or footprint.

The annex and garage/tractor store buildings have been re-positioned on several occasions under previous Non Material Amendment applications, including to positions on the site similar to that now proposed. The proposed repositioning is considered to be acceptable in design, character and appearance terms.

No increase in the height or footprint of the buildings is proposed. Whilst the design of both buildings will be changed the appearance of the buildings remains acceptable in design terms.

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 current application proposes to move the annex and garage/tractor store buildings closer to the neighbouring site to the south. However, the buildings are sufficiently set back from the site boundary (minimum 15m) and sensitively designed.

The garage / tractor store building has a small first floor window in both of its flank elevations, however as this is not a residential building no overlooking or loss of privacy to the neighbouring site to the south will occur.

The annex building also has a small first floor window in both of its flank elevations serving bedrooms, however due to the 15m distance to the site boundary, no harmful overlooking or loss of privacy will occur to the site to the south.

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 covering letter submitted with the current application refers to a 'secondary access' as follows:

"The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site, thereby reducing the presence of vehicles to the north of the site."

The re-positioning of the buildings would be served by both the approved and secondary accesses to the same part of the road. This has already been shown on the approved plans since October 2018 and most recently in the May 2022 planning permission.

The history shows that the current approved main access for the development was approved under permission EPF/0637/01 in June 2001 for Change of use from agricultural machine workshop to light industrial (B1) use plus re-routing of access (amended scheme). There was a Condition 3 of this permission that stated: "The existing access onto the road shall be closed as soon as the new access hereby approved becomes operational".

The existing access referred to is the 'secondary access' referred to in the applicant's covering letter.

The reason for the Condition 3 followed refusal of a previous application EPF/1223/00 in October 2000 which concluded that the existing access was unsafe for the change of use of agricultural machinery workshop to B1 business use. But the proposed re-siting of the outbuildings is not associated with a business use and the access and gate have remained in situ ever since.

Both accesses are shown on the previous approved plans, including the last application granted in May 2022 by this Committee and all relevant conditions pursuant to the secondary access, including walls, gates, drive and landscaping have been approved.

Despite the parish and local resident highway objections, the retention of the secondary access road, given what is stated above, is not a justification for refusing planning permission.

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 May 2019.

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'.

The cautionary contamination condition was attached to extant permission EPF/3231/21 and should also be attached.

Affordable Housing

Permission has been granted for 3 houses in 2017 before the emerging Local Plan was submitted for examination and the adopted Local Plan affordable housing policies afford very little weight in this case, given they are pre-NPPF. The 2017 planning permission for 3 non-affordable houses, of which 2 have been built and occupied, as well as extant permission EPF/3231/21, are fall-back position and affordable housing in this case is not required.

Setting of Listed Buildings

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

Whilst this application proposes the repositioning of the annex and garage/tractor store buildings closer to the listed buildings than their current approved position, the new position is similar to the previous approved positions and the buildings remain a sufficient distance from the listed buildings and other off-application site buildings are present in between. No harm to their setting would arise and it therefore complies with heritage and setting of listed building policies of the emerging and adopted Local Plan.

Conclusion

The previous planning permissions for the redevelopment of this site for 3 houses, of which 2 have been built, are extant.

The MMA propose minor changes to the permitted scheme in relation to the siting and elevations of the annex and outbuilding (garage and tractor store). There are no further proposed changes to the residential buildings, access arrangements nor to any other elements of the permitted, approved proposals.

Despite the objections raised by parish council and a local resident, they do not raise new issues not considered previously at this committees meeting in May 2022 where planning permission was granted. The changes proposed are minor and have been assessed against the relevant development plans and

are not considered to be contrary to their policies. For the reasons stated above, the planning application is recommended for approval, subject to relevant and necessary 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: James Rogers

Direct Line Telephone Number: 01992 564371 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (9)

- 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.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

(02)003 G - Proposed Site Plan

(02)020 A - Proposed Main House Floor Plans

(02)024 A - Proposed Main House Elevations

(02)030 A - Proposed Garages and Tractor Store

(02)031 A - Proposed Garage and Tractor Store Elevations

(02)040 A - Proposed Annex, Ground First and Roof Plans

(02)041 A - Proposed Annex Elevations

Covering Letter, rps, 14th June 2022

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

- 3 No construction works above ground level relating to the 'main house' shall take place until photographic and documentary evidence of the types, colours and details 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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

- 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.

Reason:- The development is of a size where it is likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan and Alterations.

- 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.

Reason:- It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 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.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 of the adopted Local Plan and Alterations.

- 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.

- 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

- 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.

Reason:- In the interest of visual amenity.

Informatives: (1)

- 10 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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Application Number:	EPF/1430/22
Site Name:	52 Orchard Drive, Theydon Bois, CM16 7DJ

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OFFICER REPORT

Application Ref: EPF/1430/22
Application Type: Removal/variation of conditions
Applicant: Patrick Stroud
Case Officer: Caroline Brown
Site Address: 52 Orchard Drive, Theydon Bois, Epping, CM16 7DJ
Proposal: Variation of condition 4 `materials' of EPF/0017/20 (Proposed two storey side and part single and two storey rear extension).
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O5ht>
Recommendation: Approve with Conditions

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)).

Description of Site:

No. 52 is a 2-storey traditional semi-detached dwellinghouse located to the east of Orchard Drive which is residential in character within the built-up urban area of Epping. The front elevation is predominantly finished in an outer red brick.

The site lies outside of a conservation area and is not listed.

Planning permission was granted 27/02/2020 ref: EPF/0017/20 for a 2-storey side and part single and 2 storey rear extension.

Description of Proposal:

Planning Permission is sought to vary condition 4 :

'Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority'.

Reason:- To safeguard the visual amenities of the locality, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

The proposed alterations proposed to replace the approved_ "red brick" external finish to a "white / cream render"

Relevant History:

EPF/0017/20 - Proposed two storey side and part single and two storey rear extension.- Approved - 27/02/2020

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Local Plan (1998) and Alterations (2006)

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

CP1: Achieving Sustainable Development Objectives
CP2: Protecting the Quality of the Rural and Built Environment
CP7 Urban Form and Quality
DBE2: Effect on neighbouring properties
DBE3 - Design in Urban Areas
DBE9: Neighbouring residential amenity

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

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

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

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

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application. The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated

SP1 Presumption in Favour of Sustainable Development
DM9 High Quality Design
DM10 Housing Design and Quality.

Consultation Carried Out and Summary of Representations Received

THEYDON BOIS PARISH COUNCIL: OBJECTION and confirm that they will attend to speak at Plans East to object to the proposal.

- This dwelling is one of a row of four pairs of semi-detached properties (being eight in total) that form a distinctive and cohesive group, dating from the 1950s, which are sited in a highly visible location opposite the local School in one of the village's primary roads.
- Where extensions have been added to these properties, external facing materials have been of matching red brick with red vertical tile above, the utilisation of both materials being a key feature of these properties.
- The proposal to change the red brick facing material, as now indicated under EPF/1430/22 - to "white/cream render" - is not considered by the Planning Committee to be acceptable.
- The preference would be that matching red bricks should be used as per the original Condition, however, matching red brick slips would be acceptable as a compromise.
- The plans approved at the time of the grant clearly show that brick face was to be used to complement the original materials, especially on the front façade, and the Committee therefore wishes Condition 4 of the Grant of Planning Permission EPF/0017/20 to remain unvaried:

Number of neighbours consulted: 5 and no resident objections have been received:

Main Issues and Considerations:

The main issues for consideration are as follows:

- Impact on the character and appearance of the property and surrounding area.
- Impact on the amenity of neighbouring residents

Design, Character and Appearance

Orchard Drive comprises of residential properties uniform in character. The immediately adjoining properties to No. 52 have front red facing brick finish with red vertical tiles with other properties in Orchard Drive rendered with a white finish. The school directly opposite the property also has a partially white rendered finish.

In terms of visual appearance the proposed variation in the condition to render the front of the property and paint it white/cream is considered to be visually compatible and would not result in any harmful impact on the character or appearance of the property or surrounding area and is therefore acceptable supported by policy DBE10 of the Local Plan and Alterations, (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and the National Planning Policy Framework, 2021 that seeks to ensure that development is of a high standard of design and layout.

The objection and comments from the Parish Council are noted. The property is not sited in a conservation area and the proposed alteration would maintain the visual character and appearance of the surrounding area and complies with local Plan policy.

Neighbouring Amenity and the form of Accommodation.

The proposed variation of condition 4 is not considered to result in any demonstrable harm to the living conditions of neighbouring properties and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Conclusion:

The proposed variation of condition 4 is considered appropriate in terms of visual character and appearance and would not create any amenity issues. Accordingly, the alteration is considered supported by the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the National Planning Policy Framework

In the light of the above considerations, it is recommended that the vary of condition 4 be approved and the relevant conditions from the original consent be re-imposed where required and the commencement date amended to be consistent with the original permission

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

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (5)

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of the original decision notice (27/02/2020).

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2019.251.02, 2019.251.03, 2019.251.04, 2018.251.01b

Reason: To ensure the proposal is built in accordance with the approved drawings

- 3 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 5 The proposed first floor window opening in the flank elevation towards no.50 Orchard Drive shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

Reason:- To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF 2019.

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.