



# Epping Forest District Council

## **AREA PLANNING SUB-COMMITTEE EAST** **Wednesday 30th August 2023**

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 30th August 2023 at 7.00 pm**

**Georgina Blakemore**  
Chief Executive

**Democratic Services Officer:** L Kirman, 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 McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip,  
R Sharif, B Vaz, H Whitbread, J H Whitehouse and  
J M Whitehouse

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

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### **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 MS Teams 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 5 - 6)**

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](#) 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'

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 7 - 10)**

To confirm the minutes of the last meeting of the Sub-Committee held on 2 August 2023.

**6. ANY OTHER BUSINESS**

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

**7. SITE VISITS**

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

**8. PLANNING APPLICATION - EPF/2490/22 THE ORCHARD, FINGRITH HALL LANE, HIGH ONGAR, ONGAR, CM4 0JP (Pages 11 - 26)**

To consider the attached report on the proposed residential redevelopment consisting of the demolition of all existing buildings and hardstanding and the construction of 6 new dwellings and associated development.

**9. PLANNING APPLICATION - EPF/2578/22 HOMES FARM, MOUNT ROAD, THEYDON GARNON, EPPING, CM16 7PH (Pages 27 - 42)**

To consider the attached report on the change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works,

**10. 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. 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 MS Teams 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 MS Teams. Speakers must NOT forward the MS Teams 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](mailto: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 are available on [our website](#). 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, email [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

## EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE EAST MEETING MINUTES

Wednesday 2 August 2023, 7.00pm - 9.40pm

### Council Chamber - Civic Offices

<b>Members Present:</b>	Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, C McCann, C McCredie, J McIvor, R Morgan, L Paine, J Philip, R Sharif, B Vaz and H Whitbread
<b>Apologies:</b>	Councillor(s) J H Whitehouse and J M Whitehouse
<b>Officers In Attendance:</b>	N Richardson (Service Director (Planning Services)) and G Woodhall (Team Manager - Democratic & Electoral Services)
<b>Officers In Attendance (Virtually):</b>	G Courtney (Planning Applications and Appeals Manager (Development Management)), J Rogers (Principal Planning Officer), M Rahman (Planning Officer), I Ansell (Senior Planning Officer) and V Messenger (Democratic Services Officer)

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

#### 11 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.

#### 12 WELCOME AND INTRODUCTION

The Chairman welcomed everyone to the meeting and outlined the procedures and arrangements adopted by the Council to enable members of the public to address the Committee when determining applications for planning permission.

#### 13 DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor L Paine declared a non-pecuniary interest in the following item of the agenda by virtue of being the Chairman of Sheering Parish Council. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- (i) EPF/2408/22 – Land at Church Lane, Sheering.

(b) Pursuant to the Council's Members' Code of Conduct, Councillor C Amos declared a non-pecuniary interest in the following items of the agenda by virtue of being a member of the Planning Committee at Theydon Bois Parish Council. The Councillor had determined that he would decide on each application after having listened to the Planning Officer's presentation and each of the public speakers, and he would remain in the meeting for the consideration of the applications and voting thereon:

- (i) EPF/0034/23 – 28 Braeside, Piercing Hill, Theydon Bois.

(c) Pursuant to the Council's Members' Code of Conduct, Councillor C McCredie declared a non-pecuniary interest in the following items of the agenda by virtue of being a member of the Planning Committee at Epping Town Council. The Councillor had determined that she would decide on each application after having listened to the Planning Officer's presentation and each of the public speakers, and she would remain in the meeting for the consideration of the applications and voting thereon:

- (i) EPF/0597/23 – 4 Kendall Avenue, Epping; and
- (ii) EPF/0832/23 – Civic Offices, High Street, Epping.

(d) Pursuant to the Council's Members' Code of Conduct, Councillor J Philip declared a non-pecuniary interest in the following item of the agenda by virtue of being the Portfolio Holder with responsibility for Asset Management, which included the Civic Offices. The Councillor stated that he had taken no part in the discussions prior to the planning application being submitted, and he would remain in the meeting for the consideration of the application and voting thereon:

- (i) EPF/0832/23 – Civic Offices, High Street, Epping.

#### **14 MINUTES**

##### **RESOLVED:**

- (1) That the minutes of the meeting of the Sub-Committee held on 5 July 2023 be taken as read and signed by the Chairman as a correct record.

#### **15 ANY OTHER BUSINESS**

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

#### **16 SITE VISITS**

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

#### **17 EPF/0034/23 - BRAESIDE 28 PIERCING HILL THEYDON BOIS CM16 7JW**

This application was [refused permission](#).

#### **18 EPF/1601/22 - THORNWOOD COMMON SERVICE STATION, HIGH ROAD, THORNWOOD COMMON, EPPING, CM16 6LX**

The Sub-Committee agreed that the condition regarding the opening hours of the Greggs outlet be revised from 5.00am to 6.00am. The Sub-Committee also agreed that an extra condition should be added to the planning permission, such that a Litter Strategy be agreed with the Local Planning Authority prior to the opening of the Greggs outlet.

This application was [approved with conditions](#).

#### **19 EPF/2408/22 - LAND AT CHURCH LANE SHEERING**

This application was [refused](#).



**20 EPF/2490/22 - THE ORCHARD, FINGRITH HALL LANE, HIGH ONGAR, ONGAR, CM4 0JP**

Cllr R Balcombe, seconded by Cllr N Bedford, proposed that this application should be deferred for a site visit.

This application was deferred for a site visit.

**21 EPF/2874/22 - 8 KIMPTON'S CLOSE, ONGAR, CM5 0BQ**

The Sub-Committee agreed two additional conditions for this application:

(i) no internal alterations to be permitted to allow direct access between this and the adjoining dwelling; and

(ii) permitted development rights to be removed.

The Sub-Committee also requested that a note be added to the file for this site to reflect the Sub-Committee's wish that the house on this site was to remain as a separate dwelling.

This application was [approved with conditions, and subject to a Section 106 Legal Agreement](#).

**22 EPF/0597/23 - 4 KENDAL AVENUE EPPING CM16 4PN**

This application was [approved](#).

**23 EPF/0832/23 323 CIVIC OFFICES, EPPING FOREST DISTRICT COUNCIL, HIGH STREET, EPPING, CM16 4BZ**

This application was [approved with conditions](#).

**24 EPF/1192/23 ESSEX HOUSE, 118 HIGH STREET, ONGAR, CM5 9EB**

This application was [refused](#).

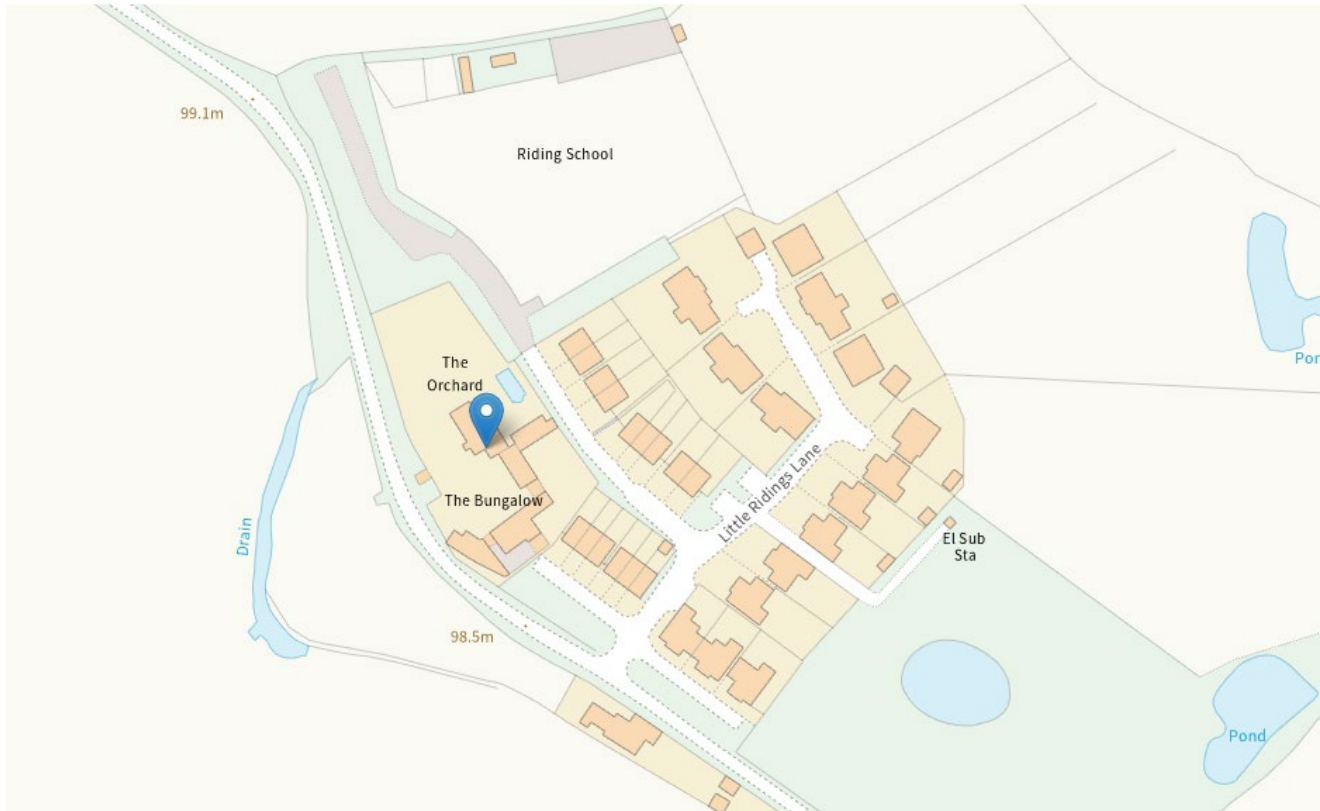
**CHAIRMAN**

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# Epping Forest District Council

# EFDC



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Application Number:	EPF/2490/22
Site Name:	The Orchard, Fingrith Hall Lane, High Ongar, Ongar, CM4 0JP

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# OFFICER REPORT

**Application Ref:** EPF/2490/22  
**Application Type:** Full planning permission  
**Applicant:**  
**Case Officer:** Ian Ansell  
**Site Address:** The Orchard, Fingrith Hall Lane, High Ongar, Ongar, CM4 0JP  
**Proposal:** Proposed residential redevelopment consisting of the demolition of all existing buildings and hardstanding and the construction of 6 no. new dwellings and associated development.  
**Ward:** High Ongar, Willingale and The Rodings  
**Parish:** High Ongar  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UWIk>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)

***The application was deferred at the last meeting of the Committee for a site visit, which was arranged for Saturday 19th August 2023.***

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

## **Description of Site:**

The application site lies on the east side of Fingrith Hall Lane, approximately 250m south of the A414, and 210m north of the boundary with Brentwood DC. The site comprises around 0.35ha and contains a two storey dwelling with extensive additions and outbuildings of part single, part two storey form. In the south western corner of the plot an annexe building known as The Bungalow has also been used as living accommodation. Extensive hardstanding to the front and rear includes a swimming pool. Main access to the site is from the road at the southern end of the frontage.

The site is adjoined on the east and south by the former Norton Heath Riding Centre which was redeveloped to create 30 dwellings under application reference EPF/3034/16 now known as Little Ridings Lane, and it would appear historically the two were linked. There is a dwelling to the south on the opposite side of the road, but otherwise the surrounding area is largely open fields.

## **Description of Proposal:**

The application proposes demolition of all existing buildings and replacement with six x 4 bedroom, two storey dwellings. The buildings are of modest scale, built with a mix of brick and timber cladding with tiled roofs. The existing site access is retained and widened, and the dwellings are served off a central shared courtyard which provides each dwelling with two curtilage parking spaces.

The application is accompanied by a number of supporting documents, including Arboricultural Assessment, Contaminated Land Assessment, Ecological Appraisal, Flood Risk Assessment, Habitat Regulation Assessment, Lighting Assessment and Sustainability Statement.

## **Relevant History:**

None

## **Policies Applied:**

### *Epping Forest Local Plan 2011-2033 (2023);*

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

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping
- SP5 Green Belt and Local Greenspace
- SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- T1 Sustainable transport choices
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM4 Green Belt
- DM5 Green and Blue Infrastructure
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and enhancing Watercourses and Flood Defences
- DM19 Sustainable water use
- DM20 Low Carbon and Renewable Energy
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality

### *NPPF (July 2021):*

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

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

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 31

Site notice posted: No, not required

Responses received: Eight responses received from neighbours at 15, 16, 23, 24, 26, 27, 29 and 30 LITTLE RIDINGS LANE commenting on the issues below:

- Drainage concerns – relating to both foul and surface water disposal
- Direct impact on adjoining properties – loss of light and overlooking
- Access and highway impact – specifically around the location and design of the vehicle access
- Other issues not relevant to determination of the application cover disturbance from construction traffic, concerns about rear access to the site over land not within the applicants control and issues around the standard of work on the Little Ridings Lane development.

Parish Council: No comments received

### **Main Issues and Considerations:**

The site was not included in the residential allocation in the Local Plan (site of the Little Ridings Lane development) and despite the presence of this recently completed scheme, the application must be considered as a new development within the Green Belt. In principle, new residential development in the Green Belt should be treated as inappropriate.

In assessing whether the development should be considered as an exception under paragraph 149 of the NPPF. It is evident that the site would meet the definition of previously developed land, being occupied by a permanent structure and including only its curtilage and not used for any purpose to which this definition does not apply. Therefore development could be acceptable provided it does not have a greater impact on Green Belt openness.

The existing buildings on the site are extensive. The main dwelling is two storey (some parts of which are formed with dormers) and has been extended at two storeys. The outbuildings and annexe are sprawling and extend to the south and east. In addition, much of the southern part of the site is hard surfaced.

While the development results in creation of more units, these comprise detached buildings set within their own curtilages, with garden areas replacing much of the existing hardstanding. In addition, development presents extensive opportunities for new landscaping in the form of open spaces in the public areas and enhance tree planting. A comparison of the existing and proposed (below) indicates a reduction in overall built footprint and hardstandings balanced by an increase in built volume.

	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>
Footprint (M <sup>2</sup> )	586	533	-53
Volume (M <sup>3</sup> )	2,348	2,934	+586
Hardstanding (M <sup>2</sup> )	1,721	728	-993
Soft Landscaping (M <sup>2</sup> )	1,277	2,303	+1,026

Officers consider the increase in volume is more than balanced by the decrease in footprint and hardstanding, while the more open layout provides breaks in the built form in comparison to the existing mass and form. Accordingly, the development does not have a greater impact on openness and therefore meets the tests in paragraph 149 g) of the NPPF to be seen as an exception.

In terms of the site access, this is hampered by the location of the site on the inside of a long bend in the road, which makes visibility difficult for vehicles exiting the site. The siting of the access has previously been agreed with the Highway Authority, and the improvements proposed thereto in terms of widening the access to allow ingress and egress, the junction layout at right angles to the carriageway, and the cutting back of overgrown vegetation around the entrance will meet design requirements. Conditions can be imposed around the detailed design and timing of the works.

The application is accompanied by a detailed Flood Risk Assessment and drainage strategy. This proposes to deal with foul sewage by way of a package treatment plant within the curtilage of each dwelling, pumped to the wider network. Surface water measures include an onsite storage tank and creation of an attenuation pond on adjoining land within the applicant's control. The measures have been reviewed by the Environmental Protection and Drainage Team and subject to conditions the measures are deemed to be acceptable in principle.

Comments from residents in relation to potential direct amenity impacts have been reviewed. Properties to the east face the proposed development but are separated from the site by the access road serving the dwellings and land to the north. No building lies within 5m of the shared boundary, and the new dwellings are laid out in a manner that limits the impact from mass. In terms of daylight and sunlight, there is little direct impact, and any potential overlooking of the frontages of neighbouring properties is not significantly greater than from the existing dwelling. Neighbour amenity is not therefore substantially impacted.

As referenced above, the application proposes extensive landscape enhancements, associated with the introduction of biodiversity enhancements within the site. The ecological measures proposed include provision for birds and bats and ground foraging species. These general provisions, and the surveys which support them are accepted in subject to appropriate conditions.

The site lies more than 6km of the EFSAC area and has been considered in terms of air quality impact only. The Habitat Regulation Assessment accompanying the application recognises that development could result in vehicle movements through the protected area. The applicants have agreed to make contributions for the additional units proposed of £1,675, in accordance with the current mitigation strategy. Contribution will be subject to a monitoring fee of 5% of the contribution (£83.75).

### **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.

The Council published a Habitats Regulations Assessment in June 2021 (the HRA 2021) to support the examination of the LPSV. The screening stage of the HRA 2021 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):

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

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

1. The site lies outside of the 6.2 km Zone of Influence as identified in the Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation, and the agreed SAMM Strategy. 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.

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

Other matters raised in consultations have identified the opportunity for archaeological assessment of the site, and the potential for contamination that would need to be remediated. Such matters can be adequately provided for by conditions.

### **Conclusion:**

The application proposes new development on previously developed land within the Green Belt. Despite the limited increase in built volume proposed, the reduction in built footprint and the extent of

hardstanding provide greater benefits. The overall built form is of appropriate scale to the location and surroundings and break up the mass of built development on the site in comparison to the existing.

The access meets highway requirements, and issues around drainage raised in consultations have been reviewed and are found to be acceptable subject to conditions.

The application is therefore recommended for approval, subject to conditions and completion of a legal agreement to secure contribution to air quality mitigation in the EFSAC of £1,675 and 5% monitoring fee of £83.75.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (25)**

- 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:

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.22-019-001 (Location Plan), 001 (Topographic Survey),003 Rev P02, 004 Rev P01, 005 Rev P01, 006 Rev P01, 007 Rev P01, 010, 011 and 012, and WLC809-1300-001 Rev RO

- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from

demolition and construction.

6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To ensure satisfactory provision and disposal of foul and surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7
1. 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.
  2. 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.
  3. The applicant will 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: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8
- A Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/or works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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) and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 9 A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021

- 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 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 an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so 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 T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 All tree and shrub clearance works on the site shall only be undertaken outside the bird nesting season (1st March - 31st August unless otherwise agreed by the Local Planning Authority).

Reason: To protect existing habitat in accordance with policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021, and to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended)

- 14 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been 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 DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (Open Spaces, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve protected and Priority species and 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 and s40 of the NERC Act 2006 (Priority habitats & species), policy DM1 of the adopted Local Plan 2011-2033 (2023) and the NPPF 2021.

- 19 Prior to completion of the development hereby permitted, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO2 emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 20 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 21 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed within the curtilage 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 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 22 Prior to the first occupation of the development the access arrangements and other associated works, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 23 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. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 24 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, AA, and B of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To 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 the Green Belt, in accordance with policies DM4, DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 25 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 windows [other than those expressly authorised by this permission] shall be constructed without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District



**Refusal Reason(s): (0)**

**Informatives: (2)**

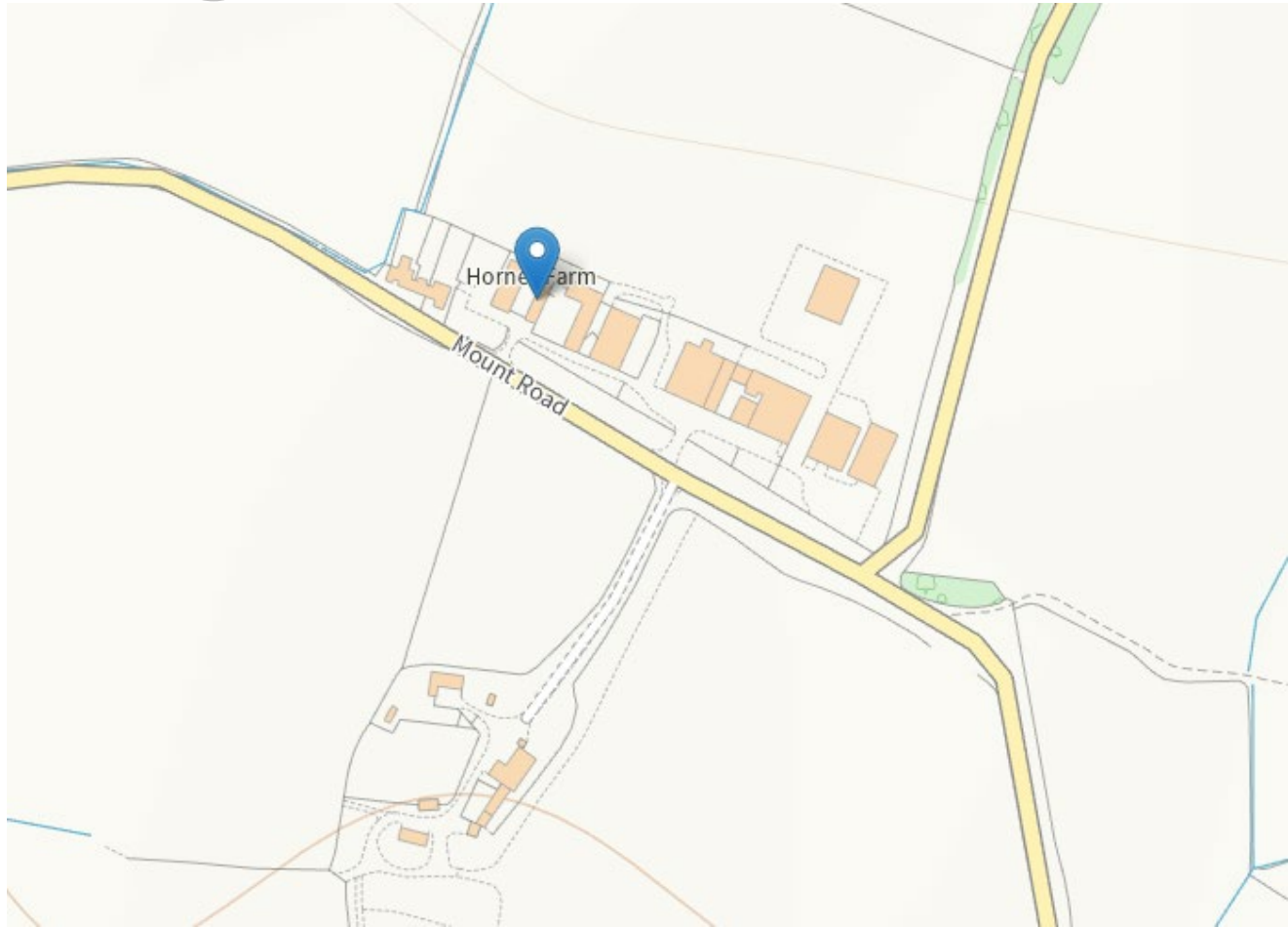
- 26 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 27 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.

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# Epping Forest District Council

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Application Number:	EPF/2578/22
Site Name:	Homes Farm, Mount Road, Theydon Garnon, Epping, CM16 7PH

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# OFFICER REPORT

**Application Ref:** EPF/2578/22  
**Application Type:** Full planning permission  
**Applicant:**  
**Case Officer:** Alastair Prince  
**Site Address:** Homes Farm, Mount Road, Theydon Garnon, Epping, CM16 7PH  
**Proposal:** Change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works.  
**Ward:** Passingford  
**Parish:** Theydon Garnon  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Ue2i>  
**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 consists of five agricultural buildings of varying appearance and scales with associated hardstanding located on the northern side of Mount Road in the rural location of Theydon Mount. There are no Listed Building attributed to the site, nor is the site located within a Conservation Area. The site is wholly within the Metropolitan Green Belt.

## **Description of Proposal:**

Change of use of five existing agricultural buildings to commercial uses E(g)(iii) and B8 with access, landscaping, and other associated works.

## **Relevant Site History:**

EPF/2801/20 – application to determine if Prior Approval is required for a proposed agricultural storage barn – Prior Approval not required.  
EPF/2670/18 – Erection of a steel portal framed agricultural building to house farm machinery and produce from the farm – Approved  
EPF/2056/17 – Concrete hardstanding to form farm yard between two existing agricultural buildings – approved  
EPF/1873/12 – Erection of agricultural lean-to off an existing grain store – Approved.  
EPF/1691/05 – Erection of general purpose agricultural building for hay and storage - Approved  
EPF/1032/91 – General purpose agricultural building – Approved  
EPO/0316A/71 – Details of Covered yard and grain store – Approved  
EPO/0316/71 – Outline Application for 2 general purpose Agricultural buildings – Approved  
EPF/0471/59 – Dutch Barn and Lean-to – Approved

## **Policies Applied:**

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.

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

SP1 – Spatial Development Strategy  
SP6 – Green Belt and District Open Land  
T1 – Sustainable Transport Choices  
DM1 – Habitat Protection and Improving Biodiversity  
DM4 – Green Belt  
DM9 – High Quality Design  
DM15 – Managing and Reducing Flood Risk  
DM16 – Sustainable Drainage Systems  
DM21 – Local Environmental Impacts, Pollution and Land Contamination  
DM22 – Air Quality

### **Summary of Representation:**

No. of neighbours consulted: 4, 5 objections received

SAWKINS FARM – OBJECTION: Development detrimental to highway safety, inappropriate development within the green belt.

NORTH LODGE – OBJECTION: Development detrimental to highway safety, inappropriate development within the green belt.

42 BRICKFIELD COTTAGE – COMMENT: Development detrimental to highway safety.

20 HILL HALL – OBJECTION: Development detrimental to highway safety.

HIGH WARREN – OBJECTION: Development detrimental to highway safety.

BLEACHETS – OBJECTION: Development detrimental to highway safety.

THEYDON MOUNT PARISH COUNCIL - OBJECTION:

The application site is situated approximately a quarter of a mile from the TMPC boundaries in Mount Road and adjacent to Banks Lane.

The most important issue currently facing TMPC is the problem of the volume and speed of traffic driving through the parish together with the size of vehicles using Mount Road, Epping Lane and Banks Lane. During the course of last year TMPC has been involved with lobbying the County Council representatives and Highways Essex in attempts to introduce traffic calming measures within the parish.

Numerous residents in the parish have raised serious concerns about the prospect of increased traffic movements which will arise if consent to the development is granted.

TMPC objects on the following grounds :-

1. The council takes the view that in the absence of satisfactory public transport to the site, the development will have an unacceptable impact on surrounding roads and in particular the roads referred to above which in several places do not provide sufficient width for two vehicles to pass one another and also contain sharp bends and dangerous junctions which, in stark contrast with the submissions contained in the applicant's Transport Statement, have seen a significant number of road traffic accidents over the years and in particular in recent months.

The Transport Statement appears to have been compiled during a period when covid pandemic restrictions were in place and therefore does not take full account of normal levels of traffic movement. Local residents report large volumes of traffic, particularly at the beginning and end of the working day. In this respect it is noted that the applicant proposes 35 parking spaces, presumably for employees and visitors to the site. In addition deliveries will presumably be made to the site, together creating significantly more site related journeys than are provided for in the application. It is also noted by local residents that a significant proportion of commercial vehicles currently emanate from Romford and the London Borough of Havering generally. There is no reference in the traffic studies to such destinations when anticipating future traffic movements.

2. It is not accepted that the applicant's Travel Plan provides realistic sustainable travel to the site. The existing road network through Theydon Mount is entirely inadequate for access for pedestrians or cyclists as indicated above. Similarly, the road network between the site and Epping provides no safe or viable means of access other than for vehicles. There are no pathways or wide verges enabling pedestrian use and it is unrealistic to anticipate access by cyclists where the roads are narrow, the traffic is fast moving and there is no provision for a cycle lane or similar infrastructure.

On the basis of the above two representations, TMPC does not accept that the application complies with the relevant requirements of the NPPF.

In addition to the above points TMPC note that additional outdoor storage is proposed in the development. TMPC is concerned that these will further impact on the rural nature of the site. Furthermore reference is made in the application to the screening of the site but it is noted that a significant amount of screening vegetation has been removed from the property.

TMPC therefore urges the refusal of the application but if the planning authority is minded to grant permission TMPC would urge that various conditions be imposed including the following :-

1. Traffic restrictions to be imposed in order to prevent or restrict commercial traffic using Mount Road (in an easterly direction) and Banks Lane.
2. The entrance to the site to be retained in its present location to avoid the risk of further accidents at the junction of Mount Road and Banks Lane as a result of making the entrance closer to Banks Lane.
3. The applicants be required to take steps to make access to and from Epping sustainable. (eg cycle lanes, accessible footpaths etc). Our suggestion would be for a safe cyclepath/walkway to be laid the other side of the hedge. The unique position is that the applicant owns all the farmland between Hornes farm and Epping along Mount/Epping road, so this would be a Section 106 agreement that would be easily carried out. The developer says that there will be 21 cycle bays/racks so this would enable workers to travel from and into Epping in complete safety. It would also provide a safe connection for local people wishing to walk and cycle who would otherwise be further cut off from Epping due to the increased volume of traffic if this application is passed. The travel plan then would become more sustainable.
4. Full, appropriate screening of the site to be reinstated and improved. to hide the proposed refurbished buildings and proposed 35 vehicles.
5. Outdoor storage should not be permitted as this would have a detrimental effect on the openness of the Green Belt.

### **Main Issues and Considerations:**

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

Development within the Green Belt

Highway Safety  
Trees and Landscaping  
Ecology and Biodiversity  
Contaminated Land  
Land Drainage  
Impact on the Epping Forest SAC

### Green Belt

Neighbours and the Parish Council have objected to the proposal stating that the development would be detrimental to the character and openness of the Metropolitan Green Belt.

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2021) 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. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. These include:

- (i) mineral extraction;
- (ii) engineering operations;
- (iii) local transport infrastructure that can demonstrate a requirement for a Green Belt location;
- (iv) the re-use of buildings provided that the buildings are of a permanent and substantial construction; and
- (v) development brought forward under a Community Right to Build Order.

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.



The proposed change of use would involve the recladding of the buildings to replace asbestos cladding. A structural survey accompanies the application, stating the buildings are of a permanent and substantial construction and appear to be able to support the proposed change of use. As such the use of the buildings for commercial purposes would not introduce any undue urbanisation or residential paraphernalia that would significantly harm the Green Belt. Furthermore, farm diversification and the re-use of buildings is to be encouraged to introduce alternative uses and income to the local economy where appropriate and ensuring that no additional built form is provided within the Green Belt. As such the proposal would not constitute inappropriate development harmful to the openness of purposes of the Green Belt.

The Parish Council have asserted that open storage would be proposed as part of the development. Whilst there would be storage proposed between buildings 1 and 2 as shown on the proposed site plan, this would clearly be defined and contained within this space which can be adequately managed by condition so as to restrict harm to the openness of the Green Belt. It is considered that the scheme is in accordance with Local Plan policy in respect of Green Belt Development.

### Highway Safety

Neighbours and the Parish Council have objected to the proposal stating that the development would be detrimental to highway safety.

Essex Highways were consulted on the application and have provided the following comments:

The applicant has submitted a Transport Statement (TS) that contains traffic data collected in May 2021, that was during a period when traffic flows were much reduced compared to normal levels due to travel restrictions and the effects of Coronavirus. ECC were not accepting any traffic volume data at that time as the flows are not representative of a typical working day.

Whilst ECC would not agree to the flows as recorded, it is not critical to the assessment of the application, as the actual traffic generated by the proposal is minimal in the peak hours, and the percentage impact of the development would decrease if the day-to-day flows increased. Therefore, the Highway Authority considers that the development will not be detrimental to highway capacity or efficiency at this location.

It should be noted that ECC did accept speed data collection through this time period, as it was likely to be slightly higher than normal, and therefore robust. Further to this, the relocated access has appropriate visibility for the speed of the road and the proposed use.

The parking levels on the site are also considered to be acceptable. If any overspill of parking did occur, it would be contained on-site and not cause any highway safety issues.

Consequently, the Highway Authority is satisfied that the impact of the proposal will not be detrimental to highway safety, capacity, or efficiency at this location or on the surrounding highway network.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Officers are in agreement with the comments provided by Essex Highways and consider the development is acceptable in respect to highway safety and Local Plan Policy.

### Trees and Landscaping

The Council's trees and landscaping team have been consulted on the application and have suggested within their comments that replacement planting should be expected following the removal of deceased

trees. Details of landscaping has also been requested, particularly specifying that native planting of trees and hedges should be provided. This is information that can be adequately provided via condition.

### Ecology and Biodiversity

The application has been accompanied by a preliminary ecological assessment to identify if there is any potential presence of any protected/notable species or habitats on or adjacent to the site. The site does not fall within the proximity that would result in harm to statutory and non-statutory designated wildlife sites.

The proposal includes mitigation measures to retain and enhance current levels of biodiversity on the site. This includes protection and retention of woodland during development works and providing a buffer of 2 metres, which would be enhanced to include wildlife corridors and sheltering/foraging areas for local wildlife. This would also be reflected in landscaping measures to comprise of native species, which would provide benefits for local wildlife.

In addition, the assessment recommends that further protected species surveys are undertaken prior to development in relation to bats, as well as a badger survey prior to the removal of any vegetation. This would be required prior to the commencement of development. Mitigation in the form of bird and bat boxes on the site would further add to the ecological diversity of the site which, again, can be adequately resolved via condition.

The development would be acceptable in ecological terms subject to the above conditions being implemented.

### Contaminated Land

The Council's contaminated land team have been consulted on the application and have requested that a condition be added that manages unexpected contamination on site. It is considered that such a condition would be reasonable.

### Land Drainage

The Council's Land Drainage team have been consulted on the proposal and have no objections to the proposal subject to conditions.

### EFSAC

The Councils transport consultants were consulted on the application and have provided the following comments:

### Existing Site and Development Proposals

The existing site is a series of five barn buildings that are now redundant after having been replaced by new barns to the rear of the site.

The development proposals include the change of use and conversion of the five redundant barns to a mix of Class B8 'storage and distribution' and Class E(g)(iii) 'light industrial'. The total sqm of the proposed commercial floorspace is slightly inconsistent with the proposed commercial floorspace stated as 2,507m<sup>2</sup> in the TIA, while 2,688m<sup>2</sup> in the RGPTS.

It is assumed that the proposal is for 2,507m<sup>2</sup> as identified in the Carter Jonas Planning Statement and in extrapolating the floor area from the trip generation calculations contained in the aforementioned documents.

### Existing Traffic Generation

As set out in the TIA, the trip generation of the existing site is zero due the barns currently being redundant. The associated planning documents are clear, the existing site is not currently used, hence the existing generation of zero is accepted.

### Proposed Traffic Generation

As set out in the TIA, the proposed trip generation has been identified using the TRICS database for the proposed commercial development.

The daily 24-hour trip rates are produced using TRICS. While the TIA references Appendix A to include the TRICS output, this does not exist in that report and the Council's consultants have instead referenced Appendix E of the RGPTS for the TRICS output. The TRICS output shown in Appendix E of RGPTS shows weekday demand data between 5am and 10pm. While this is not a 24-hour period, it is accepted that as a typical employment site, there will be little to no traffic generation outside of these hours. It is accepted that the trip generation presented represents the annual average weekly traffic (AAWT).

There is a slight discrepancy between daily AAWT with the RGPTS stating there would be 112 and the TIA stating 113. It is accepted that 112 may be a rounding error. The 113 AAWT generation reported in Figure 3 of the TIA is accepted.

The TIA methodology assumes the site is non-operational at weekends. This applies a factored AAWT to create the annual average daily traffic (AADT) generation, resulting in 81 AADT movements, 7 of which are HGV movements as reported in Figure 3 of the TIA. This is accepted.

### Proposed Traffic Distribution

The traffic distribution has been amended according to feedback and the TIAA states it is based upon Census 2011 data for 'Location of usual residence and place of work by method of travel to work' for the 'Epping Forest 003' MSOA and google map routing. This is accepted.

The TIAA states that the proposed site would generate up to 8 trips through the EFSAC, including 7 LDV's and 1 HDV (AADT). This is accepted.

### Recommendation

Based on the submitted data, the Council's consultants are satisfied that the proposed development will have a net change of 81 AADT movements on the site and that 8 AADT movements will route within the EFSAC and the 200m buffer of which 1 is expected to be a HDV. As such the Council's consultants are content that the applicant has satisfied the HRA requirements.

### **Conclusion:**

For the reasons above, it is recommended that planning permission is granted subject to conditions.

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

*Planning Application Case Officer: Alastair Prince  
Direct email: [aprince@eppingforestdc.gov.uk](mailto:aprince@eppingforestdc.gov.uk)*

*or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)*

**Conditions: (17)**

- 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: 1235; P.00/C, P.10/G, P.11/G, SU.10/F, SU.11/E

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

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

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No development shall take place, including any ground works or demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: To ensure that on-street parking does not occur, turning is provided on-site, and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used. With regards to dust

control measures, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.

Reason: To ensure that the proposed construction work does not cause nuisance and disturbance

to neighbouring occupiers and in accordance with policies DM9, DM21 and DM22 of the Epping Forest District Adopted Local Plan 2011-2033 (2023), and the NPPF.

- 6 Prior to commencement of the development hereby approved, a full ecology survey and implications assessment of the site by a qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The submitted document shall assess the biodiversity impact of the development and propose any necessary mitigation measures. Development shall be undertaken only in accordance with the approved details and so retained.

Reason: To minimise damage to biodiversity, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
  - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
  - b) How charging point usage will be charged amongst users;
  - c) The process and the triggers for identifying when additional passive charging points will become activated; and
  - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

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 Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) 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, and so retained.

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 Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to the first occupation of the development the access arrangements, as shown in principle on RGP drawing no. 2021/5914/005 Rev P3, shall be fully implemented, and shall include, but not be limited to, the following:

- A new bellmouth access with minimum 10m radii
- Visibility splays of 2.4m 130m to the west, and 2.4m 112m to the east, clear to ground level
- The closure of the existing access and full reinstatement of the highway verge
- Carriageway surfacing works as necessary for the highway works.

With all details being agreed with the Highway Authority.

Reason: To ensure that appropriate and safe access is provided in the interests of highway safety.

- 11 Prior to the first occupation of the development the parking and turning areas as indicated on the

approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate parking and turning is provided.

- 12 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The development shall be carried out in accordance with the submitted flood risk assessment (2980-FRA-Oct 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 Any gates provided at the vehicular access shall be inward opening only and shall not be set within the highway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.

- 17 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. 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 is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Refusal Reason(s):** (0)

**Informatives:** (5)

- 17 The site is located within a rural location with limited pedestrian/cycle connections and access to public transport. Consequently, it is likely that the majority of trips to and from the site will be by motor vehicle.
- 18 There shall be no discharge of surface water onto the Highway.
- 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](mailto:development.management@essexhighways.org)
- 20 The Local Planning Authority has acted positively 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.

- 20 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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