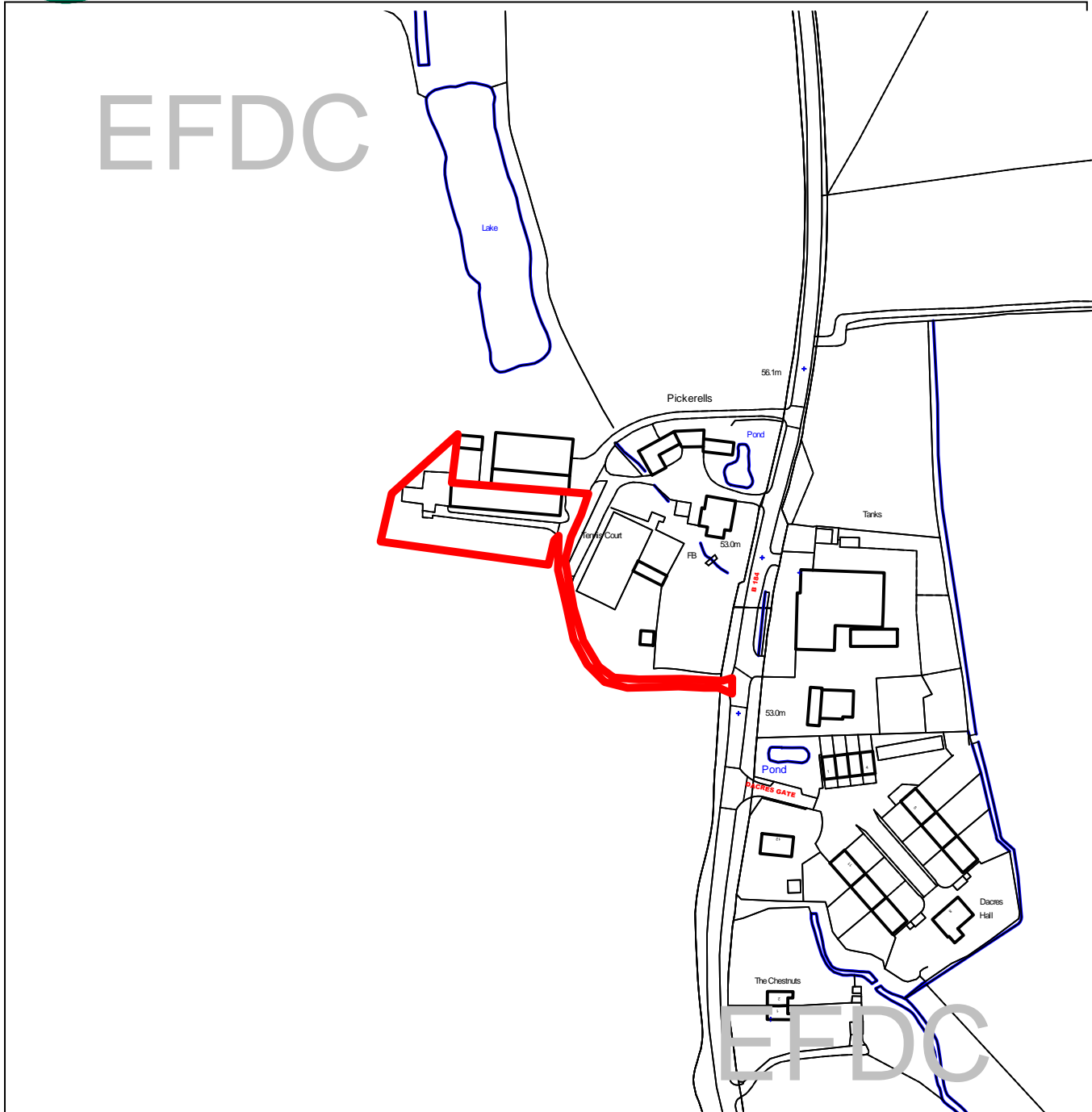




Epping Forest District Council



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Application Number:	EPF/0537/19
Site Name:	Pickerells Farm Dunmow Road Fyfield CM5 0NP
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/0537/19
SITE ADDRESS:	Pickerells Farm Dunmow Road Fyfield Ongar Essex CM5 0NP
PARISH:	Fyfield
WARD:	Moreton and Fyfield
APPLICANT:	Mr William Coote
DESCRIPTION OF PROPOSAL:	Change of Use of existing building to form x 6 no. dwellings with associated amenity space, parking, bin store, bike store, passing bays and skip enclosure.
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621119

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1708/DE; 01/B, 2593;1, 2, 3, G5823; 2, 3, 4
- 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, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B, C, D and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 5 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.
- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning

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

- 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.
- 8 Prior to first occupation of the development the access arrangements including visibility splays and passing bays, as indicated on drawing no. SK01 Rev A, shall be fully implemented.
- 9 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking areas shall be retained in perpetuity for their intended purpose.
- 10 The development shall not be occupied until a scheme of sound insulation for all wall and roof construction including windows, doors and ventilation has been submitted to and approved in writing by the Local Planning Authority. The scheme of sound insulation for the external windows shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 11 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.
- 12 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
 - Location of active and passive charging infrastructure;
 - Specification of charging equipment; and
 - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
 - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
 - b) How charging point usage will be charged amongst users;
 - c) The process and the triggers for identifying when additional passive charging

points will become activated; and

d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 13 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 14 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.
- 15 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

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 a farm building on the western side of a farmstead which is served by Dunmow Road, to the north of Fyfield. The building is about 45 metres long with a depth of 10 metres and a pitched roof with a height of 5.5 metres. The building is relatively modern and constructed of blockwork with fibre cement sheeting roof.

The site is wholly located within the Green Belt. There are no Listed Buildings attributed to the site and it is not within a Conservation Area.

Description of Proposal:

Change of Use of existing building to form x 6 no. dwellings with associated amenity space, parking, bin store, bike store, passing bays and skip enclosure.

Relevant Site History:

EPF/0999/20 - Application for Prior Approval for change of use of an agricultural building to x5. no dwellings. – Prior Approval Required and Granted (With Conditions)

EPF/1201/18 - Change of use of existing building to form six dwellings with associated amenity space, parking, bin store, bike store, passing bays and skip enclosure. – Refuse Permission:

- 1) The proposed development represents inappropriate development in the Green belt due to the lack of information to demonstrate that the building can be re-used and will conflict with the third purpose of including land in the Green belt, in that the proposal would result in the loss of countryside from encroachment. The proposal is therefore contrary to Policies GB2A of the Epping Local Plan and Alterations and Policy DM4 of the Submission Draft plan and the provisions of the National Planning Policy Framework.
- 2) The retention of the agricultural barn to the north of the application site and in very close proximity to it has the potential to be harmful to the living conditions of the future residents of the application site by reason of noise, smells and general disturbance. The proposal is therefore contrary to Policy DBE9 of the Local plan and Alterations and the provisions of the Framework.

EPF/0501/88 - Change of use of part of existing redundant agricultural building for wholesale sales of basket ware, craft and fancy goods. – Grant Permission (With Conditions)

EPO/0028/74 - Details of petrol pump and underground storage tanks – Grant Permission

EPO/0396/60 – Conservatory – Grant Permission

Policies Applied:

Local Plan and Alterations 1998 & 2006 (LP)

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

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

- CP1 – Achieving sustainable development objectives
- CP2 – Protecting the quality of the rural and built environment
- CP3 – New development
- CP7 – Urban Form and Quality
- CP9 – Sustainable transport
- DBE1 – Design of new buildings
- DBE2 – Effect on neighbouring properties
- DBE4 – Design in the Green Belt
- DBE8 – Private Amenity Space
- DBE9 – Loss of Amenity
- DBE10 – Residential Extensions
- DBE11 – Sub-Division of Properties
- GB2A – Development in the Green Belt
- GB7A – Conspicuous Development
- GB8A – Change of Use or Adaptation of Buildings
- LL10 – Provision for landscape retention
- LL11 – Landscaping schemes
- ST4 – Road safety

National Planning Policy Framework 2021 (Framework)

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

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

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

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. 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
H1 Housing Mix and Accommodation Types	Significant
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM22 Air Quality	Significant

Summary of Representation:

No. of neighbours consulted: 6 (including re-consultations of the same neighbours), 2 objections received

PICKERELLS FARM: STRONG OBJECTION - concerns regarding the following material planning matters:

- Impact on Living Conditions in regard to loss of privacy
- Flood Risk
- Impact on highway safety
- Potential damage to existing trees
- Inappropriate development within the Green Belt

Matters raised that can't be assessed:

- Valuation of property
- Potential for trespassing

- Concerns regarding rights of way
- Environmental Agency matters

MP ARCHITECTS: STRONG OBJECTION- concerns regarding the following:

- Concerns regarding the suitability of the conversion
- Inappropriate development within the Green Belt
- Concern regarding highway safety and access
- Overdevelopment of the site

PARISH COUNCIL:

The Parish Council wishes to object to the proposed development. It is the view of the Council that the proposals represent overdevelopment for the site. The proposed construction is unsympathetic to the environment and will have a negative impact on the amenity of adjacent properties. Coupled with this, the resultant impact on highways safety is unacceptable due to the difficult and dangerous junction with the B184 that would have to be negotiated.

We believe it is also likely that the site remains in the Green Belt and as such the change of use to residential is inappropriate.

Looking further at the details of the application there are further concerns about the existing trees and hedges on the approach to the proposed dwellings which in our view require further consideration in order to ensure that they are safeguarded and maintained. A similar concern applies also to flooding as despite its elevation, members of the Council have concerns that the site is prone to flooding.

Main Issues and Considerations:

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

Green Belt
 Design
 Impact on Living Conditions of Neighbours
 Highway Safety
 Drainage and Flood Risk
 Impact on the Epping Forest SAC

Green Belt

The Parish Council and Neighbours have objected to the proposal stating that the proposal would be inappropriate development within the 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.

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.

Planning permission was previously refused for the following reason:

The proposed development represents inappropriate development in the Green belt due to the lack of information to demonstrate that the building can be re-used and will conflict with the third purpose of including land in the Green belt, in that the proposal would result in the loss of countryside from encroachment. The proposal is therefore contrary to Policies GB2A of the Epping Local Plan and Alterations and Policy DM4 of the Submission Draft plan and the provisions of the National Planning Policy Framework.

A structural appraisal has been submitted as part of this application in order to address this reason for refusal and it is considered that sufficient information has been provided to show that a conversion of the building can be carried out. It should also be noted that a prior approval application (EPF/0999/20) to convert the building to 5 dwellings has been approved and applications to discharge the conditions attached as part of that permission have been submitted – therefore a reasonable fall back position is in place. It has already been accepted that the proposal would not constitute inappropriate development in all other respects, so this reason for refusal has been overcome. The development would not be inappropriate development within the Green Belt.

Design

The planning officer as part of a previous pre-app stated that the introduction of a substantial amount of front dormer windows will give the building a somewhat top-heavy appearance. However, it is some distance from Dunmow Road and is unlikely to be overtly visible from public areas of the street scene. As such it is not considered that there would be any significant harm to the character or appearance of the area. The dormers would be visible from the adjacent field, but not from any public vantage points and therefore the design of the conversion is acceptable.

Impact on Living Conditions of Neighbours

The Parish Council and neighbours have objected to the proposal stating that the proposal would cause harm to living conditions in regard to loss of privacy.

It is considered that the proposal would be a sufficient distance away from neighbouring properties so as to not cause excessive harm to the living conditions of neighbours in regard to loss of light, loss of privacy or by loss of outlook.

A previous reason for refusal on the site relates to the below:

The retention of the agricultural barn to the north of the application site and in very close proximity to it has the potential to be harmful to the living conditions of the future residents of the application site by reason of noise, smells and general disturbance. The proposal is therefore contrary to Policy DBE9 of the Local plan and Alterations and the provisions of the Framework.

The applicants have suggested that the proposed dwellings can be sufficiently insulated to compensate for any harm in relation to noise disturbance. In regard to odour, it is suggested within the planning statement that the building in question has not been used for agricultural purposes. Following a site visit to the property it was apparent that this was the case and, based on this visit, it can be reasonably considered that there would not be excessive harm to occupants in relation to this. In any case, the appropriate conditions can be added to mitigate any potential harm if reasonable and necessary.

Highway Safety

The Parish Council and Neighbours have objected to the proposal in regard to the harm to highway safety as a result of the proposal.

Essex Highways have been consulted as part of the proposal and stated that the proposal would be acceptable in the opinion of the Highway Authority subject to relevant conditions being attached to any planning permission.

Land Drainage and Flood Risk

The Parish Council and neighbours have objected to the proposal in relation to potential flood risk. The Council's Land Drainage team have been consulted on the proposal and have no objection to the proposal subject to appropriate conditions.

Contaminated Land

The Council's Contaminated Land team have been consulted on the application and have no objections to make subject to conditions.

Impact on the Epping Forest SAC

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:

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.

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.

Conclusion:

It is recommended that planning permission is granted subject to conditions for the reasons outlined above.

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

Planning Application Case Officer: Alastair Prince

Direct Line Telephone Number: 01992 564462

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