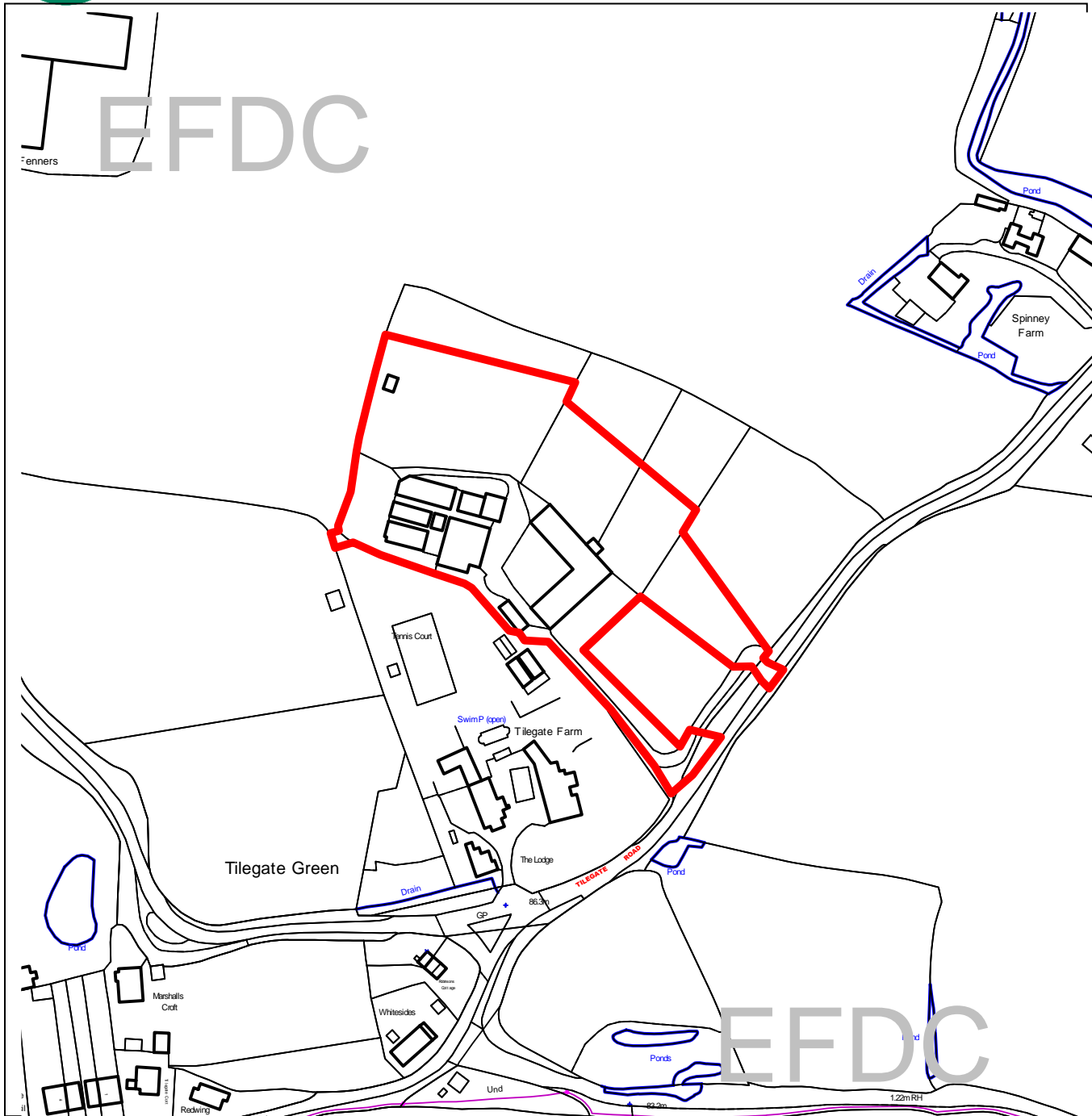




# Epping Forest District Council



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

**Report Item No: 13**

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

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=661062](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=661062)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of permission EPF/1052/17 dated 01.06.2017.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:  
  
(02)003 F - Proposed Site Plan  
(02)020 A - Proposed Main House Floor Plans  
(02)024 A - Proposed Main House Elevations  
(02)030 # - Proposed Garages and Tractor Store  
(02)031 # - Proposed Garage and Tractor Store Elevations  
(02)040 # - Proposed Annexe, Ground First and Roof Plans  
(02)041 # - Proposed Annex Elevations
- 3 No construction works above ground level relating to the 'main house' shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 The flood risk assessment and management and maintenance plan measures approved under application EPF/0307/19, approved 29.05.19 shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works for the 'main house' / the remaining unbuilt elements, or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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

If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 9 Screen walls, fences or such similar structures shall be erected in accordance with details approved under application EPF/0307/19, approved 29.05.19 and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

***This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).***

### **Description of Site**

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

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

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

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

## **Background**

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

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

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

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

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

## **Description of Proposal**

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

The submitted application form states:

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

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

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

## **Relevant History (006988)**

<b>NMAs</b>	<b>Reference</b>	<b>Decision</b>
NMA1	EPF/0417/18	Approved 14.3.18
NMA2	EPF/2826/18	Approved 25.10.18
NMA3	EPF/3354/18	Approved 11.01.19
NMA4	EPF/0674/19	Approved 12.4.2019
NMA5	EPF/1336/19	Approved 24.06.19
NMA6	EPF/2526/19	Approved 25.10.19
<b>Conditions</b>		
Discharge of Conditions 4, 6, 7, 8 and 9 of EPF/1052/17.	EPF/0307/19	Approved 29.05.19
Discharge of Conditions 3 and 5 of EPF/1052/17	EPF/3232/21	Approved 02.02.22

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

**Policies Applied**

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

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

NPPF (July 2021):

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

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

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

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

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

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

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

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

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

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

SP1: Presumption in Favour of Sustainable Development  
H1: Housing mix and accommodation types  
DM4: Green Belt  
DM9: High Quality Design  
DM10 Housing Design and Quality

### **Consultation carried out and summary of representations received**

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – Objection:

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

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

*Grounds for our Objection:*

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

- Incorrect Plan information is being provided in this application In the original granted application - EPF/1052/17, the plans detailed by number in Condition 2 are: 3598\_SK: 01A, 02A, 03, 101A, 102A, 201.1A, 201.2A, 202.1A, 302A, 202.2A, 401A, 301A,202.3A. This application (EPF/3231/21) refers to plan reference numbers which have been created within Non-Material Amendments. They do not relate to the plans in Condition 2, EPF/1052/17.*
- Agent Claims a 4 sqm reduction. The replacement plans show the main house with an overall floor area increase of approx. 58 % over and above the original granted permission EPF/1052/17 and an increase of about 19% on the footprint of the main building. These increases are all Non-Material Amendments and progress from being a Rectangle (EPF/1052/17), changed to a “T” shape (EPF/2826/18), adding a basement thereby immediately increasing the overall floor area by 33%. This “T” shape changes to “H” shape (EPF/2526/19) and (EPF/3231/21) reverts to a Rectangle.*

- *Overdevelopment in the Green Belt. This is a major incursion into Green Belt Land. The original 'brownfield' site was about 20% of the field area, the remainder of the field being Green Belt land. Recent Non-Material Amendment plans show the entire development to have enlarged to about 70% of the original field area, Green Belt land. 70% of the already built or proposed houses are now on Green Belt land and no longer on the original 'previously developed' land.*
- *The Red Line has progressively been moved. On recent plans, the position of the red line differs from that on EPF/1052/17 and furthermore now also shows development outside of the red line.*
- *Highway Issue – EFDC Previously Closed Entrance - Unsafe. Access to the highway EPF/3231/21 shows 2 highway access entrances to this development. The newly re-opened Highway access (created by a non-material amendment) was not on the original granted application EPF/1052/17. It is in an unsafe position and was closed as a condition on EPF/0637/01 for highway safety reasons.*
- *The impact of this development on the adjacent listed building has not been considered.*

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

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

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

10 Neighbours consulted. 1 objection received:

Mr Padfield:

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

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

*The relevant Planning Applications are:*

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

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

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

*Officers failed to check the floor area of the existing buildings*

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

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

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



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

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

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

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

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

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

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

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

*Officers failed to follow Consultee advice on Hard and soft landscaping*

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

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

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

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

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

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

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

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

*The Applicant erroneously states:*

*"Minor-Material Amendment application for the above scheme (REF EPF/1052/17) in the form of a variation to Condition no 2; approved drawings. This application is considered to simply change*

*the design detailing of the Main house and as such no new planning permission would be created by the changes.”*

Government Guidance states:

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

Government Guidance on S73 further states:

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

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

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

### **Officer response to objections**

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

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

### **Issues and considerations**

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

### **Green Belt**

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

*“The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

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

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

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

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

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

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

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

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

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

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

Current application:

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

The proposed development therefore remains acceptable in Green Belt terms.

### Permitted Development (PD) Rights

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

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

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

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

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

A condition removing PD rights is therefore not recommended.

### Design

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

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

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

Current application:

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

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

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

#### Living conditions of neighbours and standard of accommodation

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

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

Current application:

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

#### Highways and parking

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

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

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

#### Land Drainage

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

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

#### Contaminated Land

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

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

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

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

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

### Setting of Listed Buildings

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

### **Conclusion**

Recommended for approval, subject to conditions.

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

***Planning Application Case Officer: Kie Farrell  
Direct Line Telephone Number: 01992 564000***

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