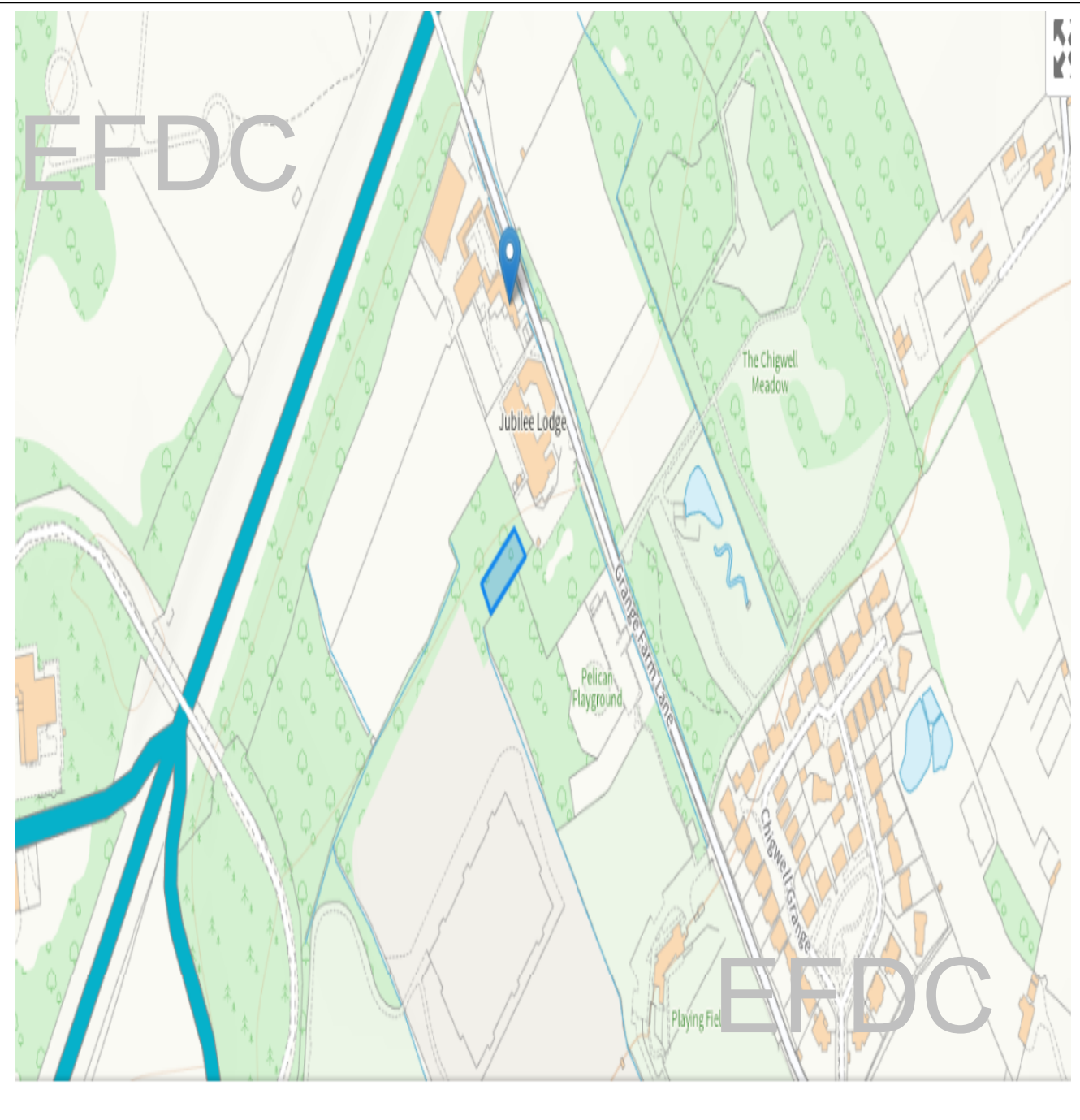




Epping Forest District Council



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Application Number:	EPF/0540/22
Site Name:	Grange Farm Centre High Road Chigwell IG7 6DP

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OFFICER REPORT

Application Ref: EPF/0540/22
Application Type: Full planning permission
Applicant: Mr R Draper
Case Officer: Ian Ansell
Site Address: Grange Farm Centre
High Road
Chigwell
IG7 6DP

Proposal: Proposed demolition of a silo, concrete hardstandings & existing fence. Erection of a detached two storey, x3 no. bedroom dormer cottage for occupation of site manager. Erection of replacement fencing, provision of parking spaces & driveway (Ref: EPF/2414/20).

Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nylz>
Recommendation: Refuse

REASONS FOR REFUSAL

1. The proposal represents inappropriate development in the Green Belt which by reasons of the siting and scale of the building and associated works would be visually intrusive and detrimental to the openness and character of the Green Belt in this location. In the absence of sufficient grounds to demonstrate that very special circumstances exist in terms of the siting of and need for the building proposed, development is contrary to policies GB2A, GB7A and DBE2 of the adopted Local Plan and Alterations, policies DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.
2. In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

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

Description of Site:

The application site lies at the south-eastern end of the Grange Farm site. It sits within an area immediately to the rear of Bramble Close comprising a mix of established trees and scrubby ground cover. The maintenance compound lies immediately south west. To the west, at a lower level, lies the upper football pitch and a community garden area, the main pavilion building lies at the opposite end of the football pitch. Vehicle access to the site and the maintenance store building is existing, lying to the south west side of the land.

The wider Grange Farm complex extends to the north and includes a range of amenities and open spaces., served from the main access road that also serves Chigwell Grange (residential development), Jubilee Lodge (care home) and stables (Riding Centre for the Disabled. To the west, the site adjoins further playing fields.

All of the land lies within the Green Belt. A number of Cadent gas pipelines run beneath various parts of Grange Farm site

Description of Proposal:

The application seeks a new dwelling on the site for use by staff working on the site.

The house comprises a three bed chalet style dwelling with access from the existing service road. The building is set in a residential curtilage of around 800 sq.m that includes parking for two vehicles and a turning area to the front, and a private garden to the rear. The building is designed in brick, weatherboarding and tiles.

The application form confirms that the accommodation is intended for the Centre Manager.

The building would necessitate the relocation of the existing groundsman's silo, this is relocated to the north of the store building, within the existing compound area.

Relevant History:

EPF/0395/08 New pavilion building and related works approved.

EPF/2152/16 New machinery store and hard standings - approved.

EPF/1605/17 First floor extension to residential flat (part of pavilion) with roof terrace – approved

EPF/0389/18 Outline application for new dwelling in similar location to current scheme withdrawn.

EPF/2414/20 Erection of detached house to provide tied accommodation for Centre Manager – refused – inappropriate development in the Green Belt, potential impact on EFSAC.

Policies Applied:

Adopted Local Plan:

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

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

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
NC4	Protection of established habitat
RP4	Contaminated land
RST1	Recreational, sporting and tourist facilities
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems

DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE8	Privat amenity space
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
ST6	Vehicle parking

NPPF (July 2021):

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

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

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 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

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are

required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

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

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 25 April 2022

Number of neighbours consulted: Sixteen

Site notice posted: 28 March 2022

Responses received: Five comments have been received in support of the application, as under:

- A resident of 127 HIGH ROAD, Chigwell representing the local Scout Group who use the facility. Comments note new facilities which have developed in recent years and generally increased usage which supports additional staff presence.
- A resident of Galley Hill, Waltham Abbey who works with special needs groups at the site and sees a need for more permanent staff on the site.
- A representative of Chigwell Riding Trust who notes security concerns at the site, anti-social behaviour incidents and sees recent increases in use of Grange Farm as justification for the application.
- A representative of Voluntary Action Epping Forest who manage the community garden on the site, echoing comments above
- A resident of Hutton, Essex who uses the facilities and has seen popularity grow, thereby requiring additional staff presence.

Chigwell RA have raised concerns at the impact of the development on the Green Belt and the precedent set for further such building, the potential impact on biodiversity. If approved, would wish to see a condition removing future permitted development rights.

Parish Council: Chigwell PC objected to the application stating that the proposal has the potential to be inappropriate development impacting on the openness of the Green Belt. However, if Planning and Landscape Officers supported the application, the Committee is willing to withdraw the objection so long as permitted development rights are withdrawn.

Main Issues and Considerations:

The primary considerations in this case arise from the location of the site within the Green Belt. In broad terms, national and local policy are clear that development of new residential accommodation is inappropriate unless very special circumstances clearly exist and substantially outweigh the harm the development causes to the openness of the Green Belt.

The applicants case is that development is required in order to manage the activities at the Grange Farm Centre and a condition restricting occupation to a specialist worker as was imposed with the existing residential apartment is suggested. The Centre has expanded its range of activities and facilities since the Trust was formed in 1984 as well as the duration of public access, the pavilion is open between 7am and 10pm for example, and public access to the wider site has been increased. Unfortunately, with public access has come an increase in vandalism and anti-social behaviour which requires increased security measures, including damage to the playground, the community garden. Similar incidents have been reported by some of those responding to consultation in support of the application. An increase in livestock including sheep and cattle on the site also brings with it a need for a greater presence and management of the wider site.

The applicants further argue that the cost of suitable accommodation within the immediate vicinity. The build cost is estimated at around £300,000, properties of a comparable size are considerably more expensive and, at the time the applicant researched (January 2022) none were available within a quarter mile – the area the applicant considers necessary for immediate access to the site. The additional cost of purchase would have to be funded from the centre's budget, reducing funds that may be used elsewhere.

Officers recognise the changing nature of the site over the years and that it has continued to evolve and grow. However, the test set to establish very special circumstances is rightly extremely high and there are concerns that this has not been met. It is understood the accommodation is specifically designed for the exiting site manager who currently occupies the large 3 bed flat on the site. Notwithstanding, no

specific justification has been provided to support a further 3 bed dwelling on the site and while a smaller dwelling may restrict the number of applicants there is no reason to suggest this would not be viable, In such circumstances, some of the reasons for the location being selected may also be capable of resolution and alternative locations closer to the pavilion could be assessed. There is no specific justification for limiting the search for alternatives to a quarter mile radius, nor the fact that this search was carried out on one occasion only. Officers therefore consider that the case for very special circumstances remains weak, and as a result development would be inappropriate.

Following the previous refusal, where the scale of the development was considered of itself to be excessive in scale and volume so as to be incongruous in the location and was located in an area of existing landscaping, the building and curtilage have been reduced in size and footprint, and relocated onto an area of existing scrub and hardstanding. As such, previous concerns in relation to scale and form have been addressed in design terms.

The building has also been moved further from the boundary with properties in Bramble Close, and retains more of the existing screening of trees and shrubs on the boundary. The nearest house at 15 is side on with a 25m garden, and the block to the south-east comprises elderly persons flats and is single storey. The building will have a limited visual impact and due to the height this will be prominent, but direct impacts from overshadowing will be limited by the separation and the orientation.

The site lies within 3km of the EFSAC core area and the application has been assessed in terms of recreational pressure and air quality, the application is accompanied by a suitable Habitats Regulation Assessment. The applicants recognise that appropriate mitigation measures will be required and have agreed to meet the relevant contributions applicable in the interim strategy, and a draft Unilateral Undertaking has been submitted. Thus, an Appropriate Assessment can be undertaken, as under:

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

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

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

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

Stage 1: Screening Assessment

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

- 1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.*
- 2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.*

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

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

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. 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.

Atmospheric Pollution

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

Appropriate Assessment Conclusions:

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

The site is constrained by a main gas pipe running across the land which prevents development further north, even if this was desirable. Cadent Gas have advised that there are no objections to the siting as now proposed.

Conclusion:

While being sympathetic to the needs of the operators to adequately maintain the facility and to provide security, primacy must be given to the protection of the green Belt.

The application proposes new residential development which is inappropriate. The justification for development is weak, it does not meet the tests in para 145 of the NPPF and particularly cannot be defined as appropriate to facilitate outdoor sport and recreation.

The case for the building in this location is not overwhelming and the reasons for rejecting other options are not clear. In particular, the need for two three bedroom dwellings to service the site is not apparent, and the search for alternatives have not been exhaustive, and places significant emphasis on relative cost which in most circumstances should not be viewed as a primary consideration.

Thus the application should be refused on Green Belt grounds. There is agreement in principle to the completion of a Unilateral Undertaking to mitigate impact on EFSAC, but at this stage it remains incomplete.

If you wish to discuss the contents of this report then please contact the case officer by 2pm on the day of the meeting at the latest. If no contact can be made, then please email

contactplanning@eppingforestdc.gov.uk

Case Officer | Ian Ansell | iansell@eppingforestdc.gov.uk

Refusal Reason(s): (2)

- 1 The proposal represents inappropriate development in the Green Belt which by reasons of the siting and scale of the building and associated works would be visually intrusive and detrimental to the openness and character of the Green Belt in this location. In the absence of sufficient grounds to demonstrate that very special circumstances exist in terms of the siting of and need for the building proposed, development is contrary to policies GB2A, GB7A and DBE2 of the adopted Local Plan and Alterations, policies DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF.
- 2 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

