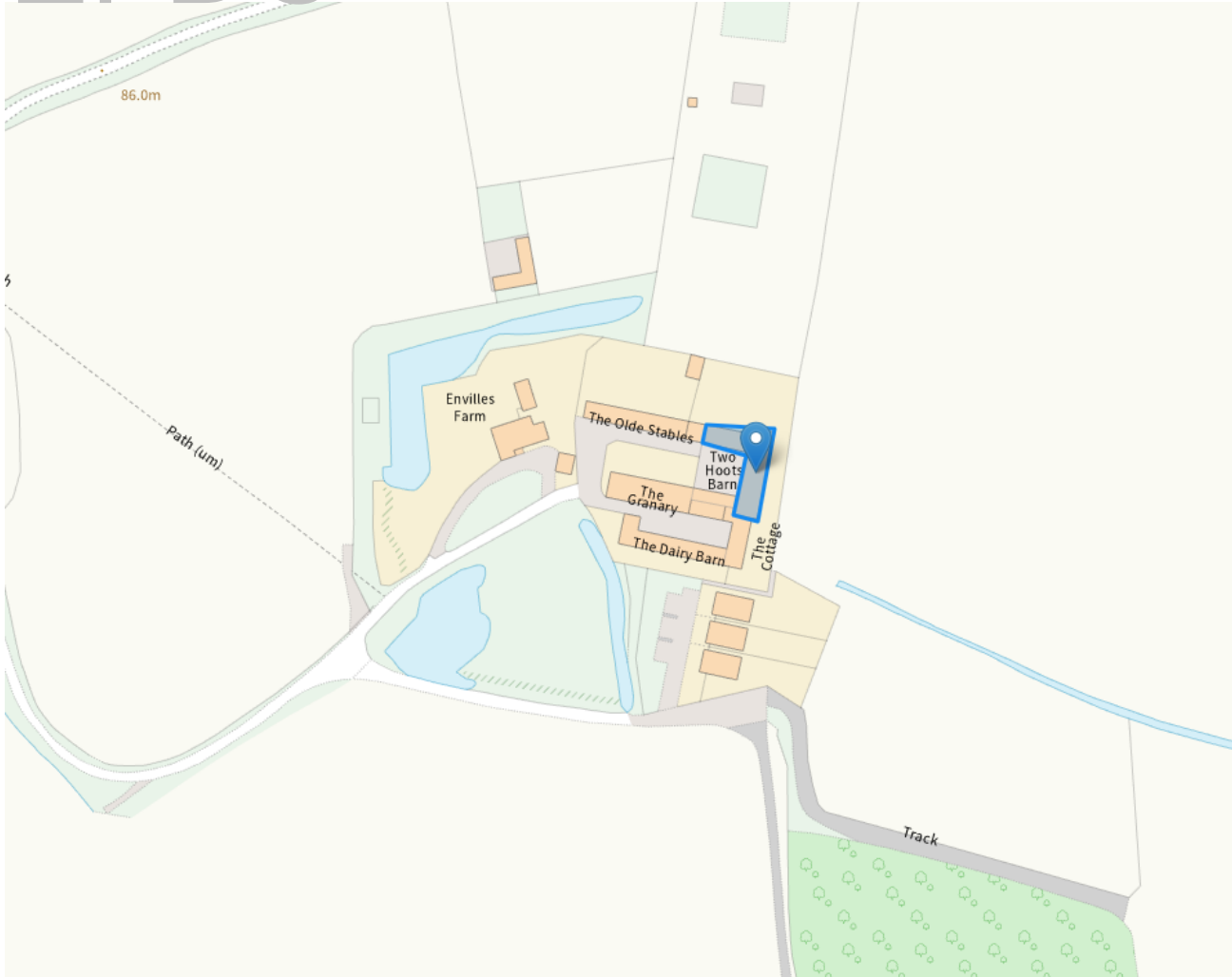




# EFDC



# EFDC

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

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# OFFICER REPORT

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

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

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

## **Description of Site**

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

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

## **Description of proposal**

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

## **Relevant History:**

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

Approved.

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

### **Policies Applied:**

#### **Development Plan Context**

##### *Local Plan (1998) and Alterations (2006)*

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

CP2 Protecting the quality of the rural and built environment

DBE1 Design of new buildings

DBE4 Development within the Green Belt

DBE6 Car parking in new development

DBE8 Private Amenity space

DBE9 Loss of Amenity

GB2A Development within the Green Belt

GB7A Conspicuous Development

LL1 Rural Landscapes

LL2 Inappropriate rural development

LL10 Protecting existing landscaping features

LL11 Landscaping scheme

ST4 Highway safety

ST6 Vehicle parking

NC1 SPAs, SACs and SSSIs

U3B Sustainable drainage

ST1 Location of development

ST2 Accessibility of development

ST4 Road Safety

ST6 Vehicle parking standards

H1 Housing Provision

RP4 - Contaminated land

#### **NPPF, 2021**

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

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

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

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

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

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

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

Paragraph 124 -131  
Paragraph 133 -149

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to the Inspectors final conclusion.

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

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

**Consultations Carried Out and Summary of Representations Received**

## FYFIELD PARISH COUNCIL – NO OBJECTION

## MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – OBJECTION

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

### The Dairy Barn:

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

## MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – OBJECTION

### The Olde Stables:

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

### Glenn Creswell:-

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

## **Main Issues and Considerations**

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

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

### Impact on the Metropolitan Green Belt

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

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

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

### Design, Appearance & Form of Accommodation

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

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

#### Neighbouring Amenity and form of Accommodation.

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

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

### Other Matters

The concerns of the Parish Council and neighbours are noted. The proposed development is considered of an appropriate design that is in keeping with the character and appearance of the area.

The proposed and existing dwellinghouse would each have 2 parking spaces and it is not considered that the introduction of an additional unit would cause a substantial increase in the number of vehicle movements.

### Highways and Parking

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

ST6 of the Local Plan and policy T1 of the Local Plan Submission Version, 2017.

### Land Drainage

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

### Land Contamination

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

### Epping Forest Special Area of Conservation

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

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

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

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

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

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

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

## **Stage 2: Appropriate Assessment**

### Atmospheric Pollution

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

### Conclusion

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

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

**Planning Application Case Officer: Caroline Brown**

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

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

**Conditions: (9)**



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

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

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

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

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

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

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

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

- 5 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

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

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

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

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

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

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

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

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

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

Reason: 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 Green Belt, in accordance with policy DBE9, GB7A; GB2A; of the adopted Local Plan 1998 & 2006, Policy DM4; DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (2)**

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