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Application Number:	EPF/1355/22
Site Name:	Tilegate Farm, Tilegate Road, Magdalen Laver, CM5 0EA

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OFFICER REPORT

Application Ref: EPF/1355/22
Application Type: Removal/variation of conditions
Applicant: Mr & Mrs C Sullivan
Case Officer: Kie Farrell
Site Address: Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar, CM5 0EA
Proposal: Application for variation of condition 2 of EPF/3231/21. (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)
Ward: Moreton and Fyfield
Parish: Moreton, Bobbingworth and the Lavers
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d0000001nb>
Recommendation: Approve with Conditions

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

Description of Site

The application site 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 development is being built out and two of the three houses are complete and occupied.

In May 2022 a Section 73 Minor Material Amendment application (EPF/3231/21) was approved creating a planning permission which consolidates the original EPF/1052/17 scheme with the subsequently approved NMAs along with some additional amendments relating to the design of the main house. This included the retention of an original secondary access road.

The current Section 73 Minor Material Amendment application seeks permission for amendments to planning permission EPF/3231/21.

Description of Proposal

Application for variation of condition 2 of EPF/3231/21. (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 current application is a Section 73 Minor Material Amendment application to permission EPF/3231/21.

The submitted covering letter states:

“This current application for an MMA relates only to the annexe and garage / tractor buildings. There is no change proposed to the residential buildings, nor to any other element of the permitted proposals. The changes being as follows:

- relocate the annexe and garage / tractor buildings from the north to the south of the application site*
- changes to the elevations of both the annexe and garage / tractor buildings*

For the avoidance of doubt, the footprint of both the annexe and garage / tractor buildings remains unchanged. In effect, the buildings have simply been ‘flipped’ to a different part of the site. The re-design of the buildings maintains the broad height and scale of the currently approved buildings. The ridge height of the buildings has been maintained, albeit the eaves height of both buildings has been lowered. For ease of reference, a comparison of proposed and permitted is shown on the new application drawings, i.e. (02) 031A and (02) 041A.

The minor changes to the proposals follows the latest review of the scheme, especially in light of the recently permitted changes to the main house. The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site, thereby reducing the presence of vehicles to the north of the site. The elevations of the annexe and garage / tractor buildings have been ‘toned back’ to represent an architectural mix of the barn and house vernacular, with brick gables overlooking the main house and the neighbouring property and the timber siding towards the barns and road.

As the proposals do not result in an increase in the footprint, massing or height of the proposed buildings, there will be no impact upon the openness of the Green Belt.

It is considered that the proposals are indeed minor and can be legitimately considered by way of an application under Section 73 for a minor material amendment. It is requested that condition 2 of the May 2022 permission be amended, so as to allow the replacement drawings, as listed above.”

The amendments proposed are as follows:

- Re-positioning of annex and garage/tractor store buildings from the north to the south of the site
- Annex building. First floor flank windows reduced in size. First floor rear window serving staircase removed. 3 front dormers added. Design changes. No increase in height or footprint.
- Garage/Tractor store building. Design changes. No increase in height or footprint.
- The covering letter states that the new position of the buildings will facilitate the use of the ‘secondary access’.

Relevant History (File 006988)

EPF/3231/21 - 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).

- Approved at Area Planning Sub-Committee East meeting held on 11 May 2022.

NMAs	Reference	Decision
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
Conditions		
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
HC12- Setting of Listed Buildings
LL1 – Rural Landscape
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 23rd September 2021), the representations were 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

DM7: Heritage Assets

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 EPF/1355/22 for the application for variation of condition 2 of EPF/3231/21. (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) at Tilegate Farm, Tilegate Road, Magdalen Laver, Ongar, CM5 0EA.

Moreton, Bobbingworth and the Lavers Parish Council do acknowledge that the above application to modify and reposition both the Annexe and Garage/Tractor buildings, now conforms to the original planning permission EPF/1052/17 with the exception of one house which is already constructed on green belt land.

However, we do have concerns which we have detailed below and object for the following 3 reasons

- **Harm to the setting of Grade 11 Listed Buildings** the two, now identically proportioned buildings, (Annexe and Garage/Tractor) will have a harmful impact on the setting of the two neighbouring Grade 11 Listed Buildings, Tilegate Farm and Tilegate Barn. In the previously granted 2017 permission only the Annexe was within the vicinity of the two neighbouring Grade 11 Listed Buildings the smaller garage/tractor building was at least double the distance away and therefore less harmful to the setting of the two Grade 11 Listed Buildings. Whilst we appreciate that the buildings are in a less damaging orientation to reduce the impact, we feel that this will still be damaging to the setting of the 2 neighbouring Grade 11 Listed Buildings. Within planning policy, the important contribution that setting makes to the heritage sets is acknowledged by Part 16 of the NPPF, paragraph 190 - conserving and enhancing the historic environment.*
- **Highway Safety Issue** in the Cover letter from Danny Simmonds he states “The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site” We repeat our previous comments, the secondary access to the site was the subject of Planning Application EPF/1223/00 which was refused due the access being a Highway Safety Issue. Planning permission was subsequently granted for EPF/0637/01 with a new access on Workers Road, but subject to the following conditions, in brief*
 - Condition 2. Prior to the commencement of the development, details of the proposed surface materials for the access road shall be submitted to and approved by the Local Planning Authority. Reason : To ensure that a satisfactory surface treatment is provide in the interests of highway safety and visual amenity.*
 - Condition 3 The existing access on to the road shall be closed as soon as the new access hereby approved becomes operational. Reason: In the interests of highway safety.*
- We are not aware of any new full planning permission that has been granted to re-open this dangerous previously closed access.*
- There is now a Traffic Curved mirror which has been erected opposite this access, we believe on the Essex CC Highways grass verge, but it appears that there is not a planning application submitted to EFDC for the erection of this mirror. The Highway authority do not normally allow the use of a mirror on the verge of the road and generally do not support their use.*
- **Contamination** We brought to the attention of EFDC in our previous objection to EPF/3231/21. the issue of lorry loads of contaminated waste which have been imported on to this site, We would draw your attention to EFDC Planning Policies POLICY RP4- CONTAMINATED LAND and NPPF Framework Ground conditions and pollution 183. & 184 Georgina Blakemore CEO of EFDC when writing to a parishioner in September 2020 stated “Following the submission of photos showing earthwork , the importing of potentially contaminated material to form bunding on this and the houses site has been reported to Essex County Council, to which they have responded that they have no jurisdiction over this*

as a waste authority but may require a permit from the Environment Agency.” We do not believe a Permit from the Environment Agency has ever been submitted to EFDC and nothing has been done by EFDC to deal with this Potentially Contaminated Housing Development Site In an earlier letter to the same parishioner she writes “Since these planning applications were decided, the process on contamination has already changed such that a phase 1 contamination report is submitted up front with the planning application rather than deal with it later by a condition attached to the planning permission” However this current Section 73 Application, for new permission to be granted , does not have a “phase 1 contamination report being submitted upfront with the planning application” We feel that this should be in place for this application in order to deal with the potential contamination on the Housing Development Site.

- We request that all Permitted Development Rights be removed. The houses have been built and awaiting another storey. The Permitted Development Rights have been misrepresented by the applicant.

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

6 Neighbours consulted. 1 objection received:

FENNERS FARM, FENNERS FARM LANE:

“A section 73 Application has to consider the requirements of the current Local Plan

From Martin Edwards of Cornerstone Barristers “It is settled law that section 73 does not permit the Council to ignore the wider considerations affecting the grant of permission since a successful section 73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions – see *Pye v Secretary of State for the Environment, Transport and the Regions and North Cornwall DC* [1998] 3 P.L.R. 72 and *R. (Wilkinson) v Rossendale BC* [2003] J.P.L. 82 at [53]-[57]. This point is further illustrated by *Stefanou v Westminster City Council* [2017] EWHC 908. In *Stefanou*, planning permission had previously been granted for the restoration of a listed building in Mayfair, including a three-level basement. On a section 73 application to modify relatively minor details of the scheme, the Council paid no regard to the advent of new development plan policy with which the basement development conflicted. The Council took the view that the basement development was already permitted, so that their approach was justified. *Gilbart J* held that the approach was in breach of the statutory requirements to consider the development plan, and quashed the planning permission and a related listed building consent.

The following issues should be considered with regard to this Application. This list represents the primary issues only.

The Setting of the two listed buildings.

The proposal site is located to the North East of Tilegate Farm a group of historic farm buildings, two of which are listed at Grade II. The relocation of two new substantial buildings within the development site now falls within their landscape setting. The important contribution that setting makes to the significance of heritage assets is acknowledged by the NPPF. Paragraph 190 states that significance can be harmed through development within the asset's setting. Setting is defined as the surroundings in which a heritage asset is experienced and elements of the setting can contribute to the significance of the asset as well as affecting the ability to appreciate that significance. The proposed change of location bringing the development closer to the historic farm buildings harms that setting.

Reuse of the closed Entrance

This entrance was closed as it was dangerous under EPF/0637/01. No consultation has taken place with Highways. In addition screens walls and gates should be Conditioned.

Drainage

The current build has at least three treatment plants installed two of which discharge into blind and or dry ditches. In particular, The Main House drainage discharges into the Tilegate roadside ditch which has no obvious outlet. Another uses an already inadequate culvert to cross the Tilegate Road. The Applicants Drainage proposals were rejected by EFDC's Drainage Officer but passed by Planning Officers with no explanation.

Permitted Development Rights should be removed.

The original Officers Report shows that PD rights were only retained by the Applicant because the Officer swallowed the misinformation supplied, the Applicant said only 984 sq meters gross internal area, "a reduction in built form", the houses were no higher than the original buildings, now we are way over 2,000 sq meters of development in the Green Belt. The Applicant has misused his current PD rights, the built houses have been constructed with extensions already incorporated, they sit there now waiting for their second storey

Affordable Housing.

From Martin Edwards of Cornerstone Barristers: "Section 73 applications must be determined in the planning circumstances that exist today and not on the basis on which the original planning permission was granted. Therefore, current affordable housing implications and requirements must be applied to this application, and it would be appropriate for the Council to impose conditions to this effect. If the Council decides not to do so, then it will be incumbent on it to provide a reasoned explanation for not so doing otherwise it risks setting a precedent for other developers to exploit."

The Submission version of the Local Plan states:

"On development sites which provide for 11 or more homes, or residential floor space of more than 1,000 sq m (combined gross internal area), the Council will require 40% of those homes to be for affordable housing provided on site."

EFDC should require that the applicant entered into a Section 106 Agreement to secure a commuted payment for the provision of affordable housing

Contamination

A Contamination Condition is required as the Annex is to be built on the footprint of the industrial unit.

This list is not comprehensive further comments will follow the Officers Report."

Officer response to objections

The current assessment is limited to consideration of the amendments to the positions of the annex and garage/tractor store buildings proposed by the current application. Otherwise, the application details are as previously approved, including the secondary access.

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, any relevant highway issues, tree and landscaping issues and any other material planning considerations.

Green Belt

The Officer's Report for the EPF/1052/17 applications detailed out the Green Belt impact in respect of the NPPF and the development plan. The conclusion was that this was previously developed land because 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. 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 was 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 S73 application:

The current application proposes to re-position the annex and garage/tractor store buildings. Since the original permission EPF/1052/17 was granted in June 2017, these buildings have been re-positioned on several occasions under previous Non Material Amendment applications, including to positions on the site similar to that now proposed. Importantly no increase in the height, floor area or volume of the buildings is proposed.

It can therefore be concluded that 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/3231/21.

The proposed development therefore remains acceptable in Green Belt terms and complies with the Green Belt policies of the Adopted and emerging Local Plan.

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 prior to granting permission for the extant consent EPF/3231/21.

At that time the applicant provided a legal opinion which concluded that a condition removing permitted development rights should not be imposed.

The legal opinion noted that there was no condition removing PD rights attached to the original permission EPF/1052/17 and also observed 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 reviewed the applicant's legal opinion and were in agreement that the imposition of a condition removing PD rights would not be necessary or reasonable.

The above position applies equally to the current S73 application and therefore a condition removing PD rights is not appropriate or 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."

The current application proposes:

- Re-positioning of annex and garage/tractor store buildings from the north to the south of the site
- Annex building. First floor flank windows reduced in size. First floor rear window serving staircase removed. 3 front dormers added. Design changes. No increase in height or footprint.
- Garage/Tractor store building. Design changes. No increase in height or footprint.

The annex and garage/tractor store buildings have been re-positioned on several occasions under previous Non Material Amendment applications, including to positions on the site similar to that now proposed. The proposed repositioning is considered to be acceptable in design, character and appearance terms.

No increase in the height or footprint of the buildings is proposed. Whilst the design of both buildings will be changed the appearance of the buildings remains acceptable in design terms.

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 current application proposes to move the annex and garage/tractor store buildings closer to the neighbouring site to the south. However, the buildings are sufficiently set back from the site boundary (minimum 15m) and sensitively designed.

The garage / tractor store building has a small first floor window in both of its flank elevations, however as this is not a residential building no overlooking or loss of privacy to the neighbouring site to the south will occur.

The annex building also has a small first floor window in both of its flank elevations serving bedrooms, however due to the 15m distance to the site boundary, no harmful overlooking or loss of privacy will occur to the site to the south.

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 covering letter submitted with the current application refers to a 'secondary access' as follows:

"The change in the siting of the two buildings is to allow for a more open feel to the north of the site, whilst allowing the courtyard area between the two buildings to link to the secondary access to the site, thereby reducing the presence of vehicles to the north of the site."

The re-positioning of the buildings would be served by both the approved and secondary accesses to the same part of the road. This has already been shown on the approved plans since October 2018 and most recently in the May 2022 planning permission.

The history shows that the current approved main access for the development was approved under permission EPF/0637/01 in June 2001 for Change of use from agricultural machine workshop to light industrial (B1) use plus re-routing of access (amended scheme). There was a Condition 3 of this permission that stated: "The existing access onto the road shall be closed as soon as the new access hereby approved becomes operational".

The existing access referred to is the 'secondary access' referred to in the applicant's covering letter.

The reason for the Condition 3 followed refusal of a previous application EPF/1223/00 in October 2000 which concluded that the existing access was unsafe for the change of use of agricultural machinery workshop to B1 business use. But the proposed re-siting of the outbuildings is not associated with a business use and the access and gate have remained in situ ever since.

Both accesses are shown on the previous approved plans, including the last application granted in May 2022 by this Committee and all relevant conditions pursuant to the secondary access, including walls, gates, drive and landscaping have been approved.

Despite the parish and local resident highway objections, the retention of the secondary access road, given what is stated above, is not a justification for refusing planning permission.

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 May 2019.

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'.

The cautionary contamination condition was attached to extant permission EPF/3231/21 and should also be attached.

Affordable Housing

Permission has been granted for 3 houses in 2017 before the emerging Local Plan was submitted for examination and the adopted Local Plan affordable housing policies afford very little weight in this case, given they are pre-NPPF. The 2017 planning permission for 3 non-affordable houses, of which 2 have been built and occupied, as well as extant permission EPF/3231/21, are fall-back position and affordable housing in this case is not required.

Setting of Listed Buildings

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

Whilst this application proposes the repositioning of the annex and garage/tractor store buildings closer to the listed buildings than their current approved position, the new position is similar to the previous approved positions and the buildings remain a sufficient distance from the listed buildings and other off-application site buildings are present in between. No harm to their setting would arise and it therefore complies with heritage and setting of listed building policies of the emerging and adopted Local Plan.

Conclusion

The previous planning permissions for the redevelopment of this site for 3 houses, of which 2 have been built, are extant.

The MMA propose minor changes to the permitted scheme in relation to the siting and elevations of the annex and outbuilding (garage and tractor store). There are no further proposed changes to the residential buildings, access arrangements nor to any other elements of the permitted, approved proposals.

Despite the objections raised by parish council and a local resident, they do not raise new issues not considered previously at this committees meeting in May 2022 where planning permission was granted. The changes proposed are minor and have been assessed against the relevant development plans and

are not considered to be contrary to their policies. For the reasons stated above, the planning application is recommended for approval, subject to relevant and necessary 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: James Rogers

Direct Line Telephone Number: 01992 564371 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (9)

- 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.

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:

(02)003 G - Proposed Site Plan
(02)020 A - Proposed Main House Floor Plans
(02)024 A - Proposed Main House Elevations
(02)030 A - Proposed Garages and Tractor Store
(02)031 A - Proposed Garage and Tractor Store Elevations
(02)040 A - Proposed Annex, Ground First and Roof Plans
(02)041 A - Proposed Annex Elevations
Covering Letter, rps, 14th June 2022

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

- 3 No construction works above ground level relating to the 'main house' shall take place until photographic and documentary evidence of the types, colours and details 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.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

- 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.

Reason:- The development is of a size where it is likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy U2B of the adopted Local Plan and Alterations.

- 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.

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 the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 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.

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 of the adopted Local Plan and Alterations.

- 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.

- 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2 and LL11 of the adopted Local Plan and Alterations.

- 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.

Reason:- In the interest of visual amenity.

Informatives: (1)

- 10 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.