

OFFICER REPORT

Application Ref: EPF/0924/23
Application Type: Full planning permission
Applicant: Mr & Mrs Worby
Case Officer: Kie Farrell
Site Address: Rose Cottage, Epping Long Green, Epping Upland, Epping, CM16 6QN
Proposal: Demolition of existing stables and hardstanding, construction of detached bungalow, alterations to vehicular access, provision of parking and landscaping.
Ward: Broadley Common, Epping Upland and Nazeing
Parish: Epping Upland
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001W5xN>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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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 at the northern end of Epping Long Green and is accessed via a lane which has a junction with the B181 Epping Road approximately 200m to the east, next to the Travellers Friend pub.

The site was formally part of the residential curtilage of Rose Cottage and currently accommodates an L-shaped stable building.

The site is within the Metropolitan Green Belt. The lane running to the north of the site is also a Public Right of Way (number 45 from Nazeing). To the east of the site is Rose Cottage and opposite to the north is a development of four houses approved under permission EPF/0160/23.

Description of Proposal:

Demolition of existing stables and hardstanding, construction of detached bungalow, alterations to vehicular access, provision of parking and landscaping.

- Single storey 2b4p dwelling, 82 sq m
- 2 car parking spaces

Relevant Planning History (013506):

EF\2020\ENQ\01110

Demolition of existing stables building and construction of detached bungalow.
Advice issued 5th January 2021.

EPF/0893/88

Erection of stable

Approved 25.08.1988.

Policies Applied:

Adopted Local Plan (March 2023):

DM1 - Habitat Protection and Improving Biodiversity

DM4 – Green Belt

DM9 – High Quality Design

DM10 – Housing Design and Quality.

NPPF (September 2023).

Consultation Carried Out and Summary of Representations Received:

Epping Upland Parish Council: Objection.

“The Parish Council received a very well researched and well argued written objection from a local resident. The Council agreed almost entirely with the objection except for the views on traffic volumes although it was fully agreed that the nature of the road was restrictive. The Parish Council voted to strongly object to the application and supports the objection submitted by the resident. The Council feels strongly that should the application be approved by the District Council the following planning conditions need to be included in the approval. 1. That the adjacent hedgerows be protected. 2. That during the building works the road must remain open at all times for access/egress by residents and the emergency services. 3. That electric vehicle charging points be included in the design. 4. Visitors parking needs to be included to avoid congesting an already narrow roadway.”

13 neighbours consulted: 10 comments received, comprising 10 objections:

Concerns summarised:

- Impact on Green Belt

- Impact on Wildlife
- Traffic Impact/Highway Safety
- Impact on Public Footpath
- Impact on Residential Amenity

Issues and Considerations:

The main issues to consider relate to Impact on Green Belt, Character and Appearance, Residential Amenity, Quality of Accommodation, Trees and Landscape, Ecology, Contaminated Land, Highways and SAC.

Green Belt

Existing Stable Building:

The original stable building as approved by permission EPF/0893/88 in August 1988 was a square shaped building measuring 12 feet by 12 feet. The existing stable building is a much larger L-shaped building and therefore it is important to establish whether the existing building is lawful.

An email was received from the agent on 29th August 2023 providing evidence of the lawfulness of the existing building in the form of historic aerial images which show the L-shaped building.

This evidence has been reviewed along with the Council's own historic images and it is considered that the existing L-shaped building is lawful on the basis that it is operational development that has been in place for in excess of 4 years and no enforcement action was taken during this period.

Previously Developed Land:

The existing stable building constitutes previously developed land.

Paragraph 149 of the NPPF (September 2023) states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;

Policy DM4 of the Adopted Local Plan (March 2023) repeats the above wording of the NPPF.

The submitted Planning Statement provides details of the footprint, volume and maximum height of the existing and proposed buildings which is set out below in table form for ease of reference.

	Existing Stable	Proposed Dwelling	Difference
Footprint	115 sq m	98.5 sq m	-16.5 sq m
Volume	457 m3	354 m3	-103 m3 (-23%)
Max Height	3.7m	4.6m	+0.9m

On the basis that the proposed dwelling would have a reduced footprint and volume compared to the existing stable building and the maximum height would be increased by only 90cm it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The proposed development would therefore not be inappropriate development and is acceptable in terms of Green Belt impact.

Character and Appearance

The submitted drawings show that the proposed dwelling will be constructed with traditional materials (black waterboard, black aluminium windows, red brick plinth and tiled roof).

The design of the building is of a footprint, layout and scale that will be in keeping with the vernacular rural character of the surrounding area and therefore complies with policies DM4 and DM9 of the Adopted Local Plan and NPPF (2023).

The proposal is acceptable in terms of design, character and appearance.

Residential Amenity

The nearest neighbouring residential properties are Plots 3 and 4 of the development approved by permission EPF/0160/23.

The submitted drawings show that the window in bedroom 2 facing Plots 3 and 4 would be obscure glazed and as this room is served by a second side facing window which would provide outlook, the front window could be obscure glazed in order to ensure no harmful loss of privacy to the occupiers of Plots 3 and 4 or the future occupiers of the proposed dwelling.

The kitchen/living/dining area would have a small clear glazed window facing Plots 3 and 4, however the main opening in this room would be to the south onto the patio and rear garden area and there is a third window in the flank elevation looking onto the garden. It is considered that the ground floor kitchen/living/dining area facing Plots 3 and 4 (with a distance of approximately 12m between facing habitable room windows on the front elevation of each dwelling) would not result in a significantly harmful impact on the privacy of the occupiers of Plots 3 and 4 or the future occupiers of the proposed dwelling.

The proposed dwelling is sufficiently separated from other neighbouring dwellings that it would not have a harmful impact in terms of visual or residential amenity.

The proposed development is considered to be acceptable in terms of impact on residential amenity.

Quality of Accommodation

The proposed 2b4p dwelling has an internal floor area of 81.8 sq m which comfortably exceeds the minimum requirements of the national space standards for a 2b4p dwelling over a single storey (70 sq m).

All habitable rooms would have a clear glazed window which would provide acceptable levels of light and outlook.

A large garden area of 550 sq m is proposed which will provide suitable private amenity space.

Overall the quality of accommodation is acceptable.

Trees and Landscape

Tree Officer comments (19th June 2023):

“We have NO OBJECTION to this application subject to the addition of the following conditions:-

ARCUS condition 70 – Hard and soft landscaping

Tree Protection

Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-18673-PL-03 (dated April 2023) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF."

Ecology

The submitted Ecology Report concludes that the existing stable building is unsuitable for use by roosting bats and no evidence indicating the presence of bats was observed.

The existing building can therefore be demolished without any risk to protected species.

Contaminated Land

EFDC Contaminated Land comments dated 4 July 2023:

I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see, the site has no acknowledged potentially contaminated land but nearby land does. As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues. I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site. Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN56 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge. Reason: To ensure that 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006

INF 05 – Asbestos Informative. It is noted that existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance Epping Forest District Council works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from the site.

Highways

Two car parking spaces are proposed which is sufficient to serve the proposed 2 bedroom dwelling.

The submitted HRA Trip Generation Assessment concludes that the proposed development would result in a net reduction in the number of vehicle movements to and from the site compared to the existing stable use.

Essex CC Highways have no objection to the proposal (full comments below).

Acceptable in this respect.

ECC Highways comments 19th June 2023:

“From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

Informative

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public’s rights and ease of passage over Public Footpath no.45 Epping Upland, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Please be aware that ECC will only maintain the surface of accessway commensurate with its use as a Public Footpath.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org”

SAC

The submitted HRA Trip Generation Assessment concludes as follows (Par 5.4):

“Net AADT was calculated as being a decrease of 3 trips, including a reduction in trips routing through or within 200m of the EFSAC of trip per day. It is therefore expected than no mitigation would need to be sought by EFDC.”

The Council adopted an Interim Strategy for managing recreational pressures on the Epping Forest Special Area of Conservation (EFSAC) in October 2018. This requires a financial ‘recreation contribution’ of £352 for each net additional dwelling built within 3km of the EFSAC.

The application site falls outside of the 3km Zone of Influence and therefore no mitigation contribution is required in respect of recreational impact.

More recently, the Council adopted an Interim Air Pollution Mitigation Strategy (APMS) (dated December 2020, adopted 8th February 2021) in order to mitigate the effects of new development on air quality. This requires mitigation in the form of a financial contribution - £335 per dwelling, as well as ensuring all new car parking spaces have physical access to an EV charging point and provision of digital communications infrastructure to support home working.

Mitigation is therefore required in the form of a financial contribution (£335) to address air quality impact.

The applicant has agreed to make the required financial contribution by unilateral undertaking.

EV charging point and digital communications infrastructure will be secured by planning condition.

Conclusion: Recommended for approval, subject to conditions and 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: Kie Farrell-Telephone Number: 01992 564000 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (13)

- 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:

2023-718-001 – Existing Plans, Elevations & Location Plan

2023-718-002 – Proposed Plans and Elevations

Planning Statement, Stephen Hayhurst

Arboricultural Impact Assessment and Method Statement, Tracy Clarke, April 2023

Sustainability Statement, Stephen Hayhurst, May 2023

Sustainability Checklist

Preliminary Ecological Appraisal/Low Impact EclA, Hybrid Ecology Ltd, June 2023

HRA Trip Generation Assessment, EAS, May 2023

Email from agent dated 29th August 2023 (Lawfulness of existing building).

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
7. Tree protection measures.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and

approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-18673-PL-03 (dated April 2023) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Prior to preliminary ground works taking place, details of surface and foul 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to

an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

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

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority. Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework and policies DM4 and DM9 of the Adopted Local Plan (March 2023).

- 13 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where

appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (4)

- 14 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.
- 15 It is noted that existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance Epping Forest District Council works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from the site.
- 16 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over Public Footpath no.45 Epping Upland, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Please be aware that ECC will only maintain the surface of accessway commensurate with its use as a Public Footpath.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 17 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed

before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org