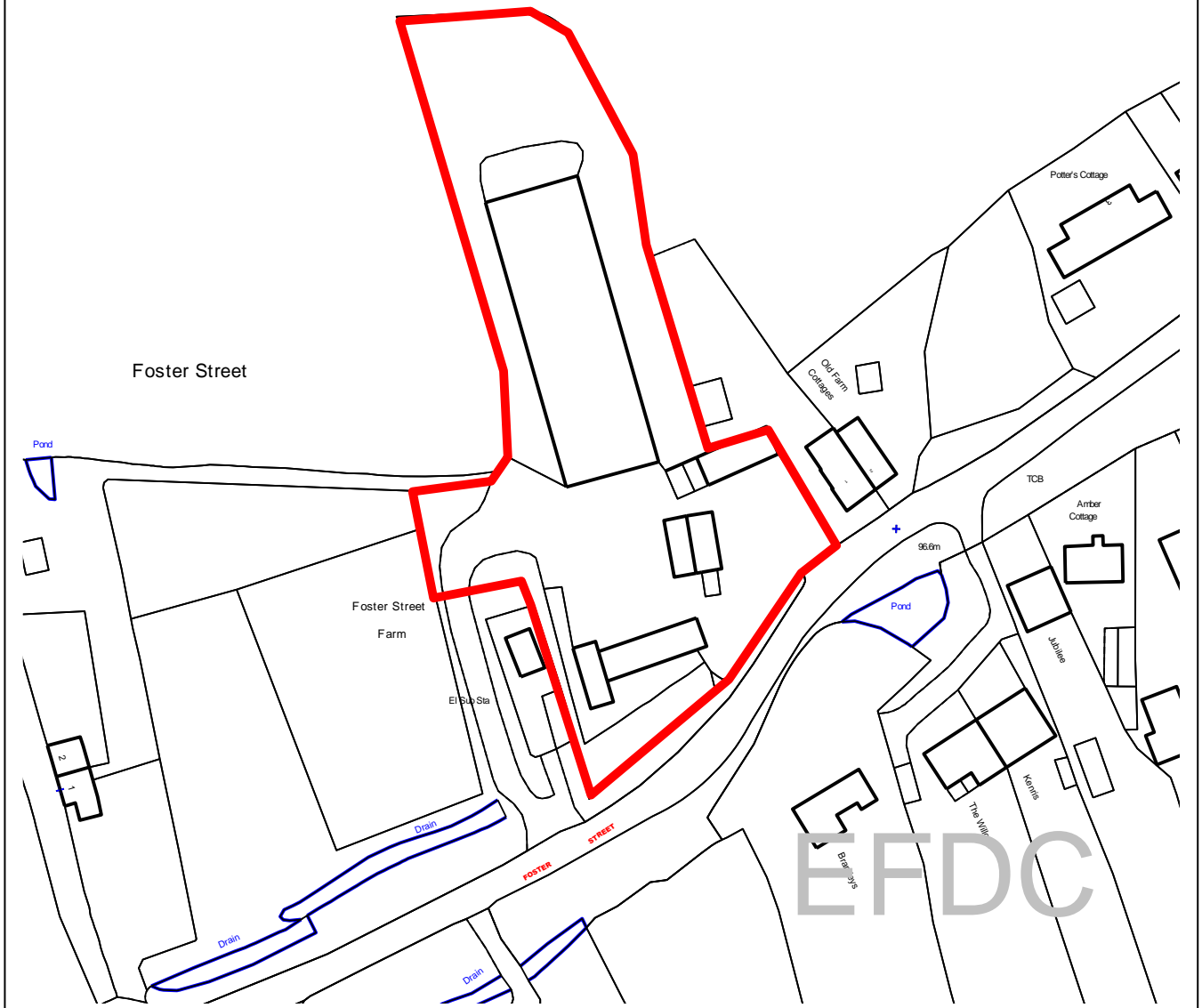




Epping Forest District Council

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Application Number:	EPF/0803/19
Site Name:	Foster Street Farm Foster Street Hastingwood CM17 9HS
Scale of Plot:	1:1250

APPLICATION No:	EPF/0803/19
SITE ADDRESS:	Foster Street Farm Foster Street Hastingwood Essex CM17 9HS
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr G Darlington
DESCRIPTION OF PROPOSAL:	Proposed erection of 10 x detached houses, with new vehicular access and a new road, provision of parking with hard and soft landscaping (Ref: EPF/2516/14)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=622254

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
 - a) Drawing no. 2356.2A (Proposed Site Plan) Dated Dec 2018
 - b) Drawing no. 3754/1A (Site Location Plan) Dated 21/02/2019
 - c) Drawing no. SK01REV G (Access Arrangement and Visibility Splay) Dated 27/06/2019.
 - d) Drawing no.2356.7,
 - e) Drawing no. 2356.6
 - f) Drawing no.. 2356.4
 - g) Drawing no. 2356.5
 - h) Drawing no. 2356.3
 - i) Drawing no. 2356.2
 - j) Drawing no. SK02REVA
 - k) Drawing no. 2356.8
 - f) Flood Risk Assessment Report.
 - Landscaping Tree report

- 3 Materials to be used for the external finishes of the proposed development shall match those submitted with the application, unless otherwise agreed in writing by the Local Planning Authority.

- 4 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 Class A ,B and E of Part 1 of Schedule 2 to the Order,

shall be undertaken without the prior written permission of the Local Planning Authority.

- 5 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 6 No preliminary ground works shall take place until driveway details have been submitted to the Local Planning Authority and approved in writing. These shall consist of an above ground, no dig construction with a porous finish and included an Arboricultural supervision timetable. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to first occupation of the development the developer shall implement the access arrangements and visibility splays, as shown in principle on EAS drawing no SK01 Rev G. The visibility splays shall have no obstruction above 600mm in height within them.
- 8 Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport. These are to be provided at no cost to the occupier
- 9 There shall be no discharge of private surface water onto the Highway
- 10 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 11 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 12 The development shall be carried out in accordance with the flood risk assessment (Stomor Civil Engineering Consultants, Ref ST2331/FRA-1408- Foster Street Revision 0, August 2014) and drainage strategy submitted with the application, unless otherwise agreed in writing with the Local Planning Authority.
- 13 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 14 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars

together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

- 15 The recommendations within the Phase 1 Habitat Survey dated April 2014, submitted by DF Clark Bionomique Ltd, as stated within section 1, Summary, items i - ix concerning birds, great crested newts, bats and recommendations for future lighting and landscaping, shall be followed.
- 16 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation.
- 17 Prior to the commencement of development, including any ground works or demolition, details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following clear of the highway:
 - safe access into the site
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilitiesThe approved Statement shall be adhered to throughout the construction period.
- 18 Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown in principle on drawing nos.2356.2 A, and SK01/REV G to include but not limited to:
 - 2.4m x 120m visibility splays.
- 19 All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.
- 20 All turning heads required for refuse and fire tender use shall comply with the dimensions within the Essex Design Guide for a Size 3 Turning Head.
- 21 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitor's vehicles.

- 22 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 23 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 24 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 25 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report

condition that follows]

- 26 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 27 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 28 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (unless approval of reserved matters only) and is recommended for approval, is contrary to an objection from a local council which is material to the planning merits of the proposal and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d), (f) and (g).

Description of Site:

The application site comprises an area of about 0.6ha and is located on the northern side of Foster Street. It is roughly rectangular in shape with a relatively narrow road frontage of about 68m and a depth of about 105-145m. A large, former agricultural shed occupies the central part of the site. Some smaller storage sheds and structures lie towards the site's southern end. The remainder of the site towards the north and south is laid out as hardstanding.

The site is part of a small enclave of development consisting of a mix of commercial sites (including the application site, the C.J. Pryor Ltd site on the southern side of Foster Street, and Fosters Croft to the south of the application site) a public house (the Horn and Horseshoes, which is somewhat detached from the hamlet) and approximately 50 residential dwellings (some of which are detached from the centre of the Hamlet). The site is currently owned by C.J. Pryor Ltd, although at the time of the Officer site visit, it appeared to be occupied by AMA Scaffolding. Nonetheless the site constitutes previously developed land.

Immediately adjacent to the site to the east are No's. 1 and 2 Old Farm Cottages (No. 1 of which adjoins the site). To the west and north of the site is open agricultural land and to the south (on the opposite side of Foster Street) are residential properties.

The site benefits from an existing single vehicular access from Foster Street and is bound along the site frontage by low level fencing. The remainder of the boundaries are intermittently planted with vegetation and trees which offers some screening to the site.

The site lies within the Metropolitan Green Belt.

Description of Proposal:

Consent is being sought for the redevelopment of the site for the erection of 10 x detached houses, with new vehicular access and a new road, provision of associated car parking, amenity spaces with hard and soft landscaping (Ref: EPF/2516/14).

The development would comprise 8 x 3 bedroom houses and 2 x 4 bedroom houses. The 3 bed houses each have a GIA of 92.8m². They have a shallow plan form, with a full height offset gable on the front elevation and two smaller gables either side on the rear elevation. The 4 bed houses have a GIA of 125.4m². Their main plan form is shallow with larger full height gables to the front and rear.

The proposed dwellings would be two storeys in height (the original submitted plans for up to three storey dwellings has been amended to lower the height of the buildings) and would consist of detached house dwelling fronting onto Foster Street with a linear development.

The dwellings are generally smaller than those previously approved and considered by the applicant to be more suited to the expected market demand in this area. A greater amount of the development in the revised scheme is concentrated closer to the site frontage, and the northernmost dwelling (unit 5) is not as large as that in the approved scheme and the plot is more open.

The access road is a 6m wide shared surface with a turning head. A total of 26

parking spaces are proposed with 2 spaces per dwelling and 6 visitor bays. The site access would be relocated, which was approved in the previous planning permission to allow for better visibility splays.

Relevant History:

Planning permission was granted in 5th August 2015 for the construction of 9 dwellings on this site (EPF/2516/14). Subsequently three conditions have been approved (EPF/0967/18, EPF/1327/18 and EPF/1649/18) enabling a start to be made on the development.

Prior to this, CLD/EPF/2029/04 – Application for certificate of lawfulness for the existing use of land as a depot for the maintenance and repair of plant and machinery – was deemed lawful 01/04/05.

Policies Applied:

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

Adopted Local Plan:

-

- CP1 - Achieving sustainable development objectives
- CP2 - Protecting the quality of the rural and built environment
- CP3 - New development
- CP6 - Achieving sustainable urban development objectives
- CP8 - Sustainable economic development
- CP9 - Sustainable transport
- GB2A - Development in the Green Belt
- GB7A - Conspicuous development
- H2A - Previously developed land
- H3A - Housing density
- H4A - Dwelling mix
- NC4 - Protection of established habitat
- DBE1 - Design of new buildings
- DBE2 - Effect on neighbouring properties
- DBE4 - Design in the Green Belt
- DBE8 - Private amenity space
- DBE9 - Loss of amenity
- DM2 - Epping Forest SAC and the Lee Valley SPA
- DM10 - Housing Design and Quality
- DM22 - Air Quality
- LL2 - Inappropriate rural development
- LL10 - Adequacy of the provision of landscape retention
- LL11 - Landscaping scheme
- ST1 - Location of development
- ST2 - Accessibility of development
- ST4 - Road safety
- ST6 - Vehicle parking
- RP3 - Water quality
- RP4 - Contaminated land
- RP5A - Adverse environmental impacts
- U3A - Catchment effects

The above policies form part of the Council's Saved Local Plan and Alterations 2008. Following the publication of the NPPF 2019, policies from this plan 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 significant weight.

National Planning Policy Framework (NPPF) 2019:

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: Paragraphs 124 – 132, 133 – 147, 213.

Epping Forest District Local Plan (Submission Version) 2017

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 (“LPSV”) be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 148 of the NPPF.

Paragraph 148 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 provided advice to the Council on 6 August 2019; given without prejudice to the Inspector's final conclusions.

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
DM4 – Green Belt	Significant
DM9 – High quality design	Significant
DM10 – Housing design and quality	Significant
DM22 - Air Quality	Significant
E1 – Employment Sites	Significant

Consultation Carried Out and Summary of Representations Received:

144 neighbouring properties were consulted and a Site Notice was displayed on 06/06/19. One representation received.

1 OLD FARM COTTAGE, FOSTER STREET – Object, will restrict vision along the road but with a slight re-alignment with proposed house no.9, previous accidents here that damaged my property, although a speed limit was put in. With more thought and a re-alignment of house no.9, then issue could be addressed.

NORTH WEALD PARISH COUNCIL – NO OBJECTION to this application.

THE COUNTY HIGHWAYS ENGINEER was consulted they had concerns for the first proposed access which has now been amended to the previously approved access for 9 houses. The Highway Engineer commented stating that: The Highway Authority has considered the above application, visited the site and thoroughly assessed the submitted transport information and has concluded that the proposal does accord with current policy and safety criteria. Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network.

Further to the receipt of amended plans, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Prior to first occupation of the development the developer shall implement the access arrangements and visibility splays, as shown in principle on EAS drawing no SK01 Rev G. The visibility splays shall have no obstruction above 600mm in height within them.

2. Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport. These are to be provided at no cost to the occupier
3. There shall be no discharge of private surface water onto the Highway

THE ENGINEERING, DRAINAGE AND WATER TEAM were consulted and the following comments was provided the following comments:

The applicant has provided a flood risk assessment with the application and we agree with the findings in principal. **Therefore, please add a condition requiring that the development be carried out in accordance with the flood risk assessment (SuDS Strategy Report, Revision A, Ref: 1956/2019, March 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority.** No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

TREES AND Landscape were consulted no objection with recommended conditions.

Issues and Considerations:

Principle of Development:

The Principle of development has already been established under the previous application EPF/2516/14, which was approved by Committee for the redevelopment of this site for 9 dwelling houses. This development has discharged planning conditions and as such represents a fall-back position.

Given the previous approval, and that the development does not propose a material difference in scale and extent there would not be a greater impact on the openness of the Green Belt than the existing development and as such the proposal would not be inappropriate development in the Green Belt.

The development is therefore acceptable in principle

Green Belt

The application site is located within the Metropolitan Green Belt and is used as a depot for the maintenance and repair of plant and machinery (although at the time of the Officer's site visit it appeared to be occupied by a company called AMA Scaffolding).

The National Planning Policy Framework (the Framework) identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

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

Paragraph 80 of the Framework sets out the five purposes of the Green Belt as follows:

1. *To check the unrestricted sprawl of large built-up areas;*

2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

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

Given the lawful use of the site and presence of buildings and hardstanding the application site would constitute previously developed (brownfield) land. Along with the previous planning permission, the proposal will not represent inappropriate development in the Green Belt, so long as it “*would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development*”.

‘Impact on the Green Belt’ would cover many factors, including increased activity and type of use, however one of the key considerations is with regards to the level of built development on a site. The existing permanent buildings on the site have a total footprint of 1308.5m² and are a mix of single storey and (equivalent) one-and-a-half storey buildings. The combined footprint of all proposed dwellings and detached garage buildings would total some 843.5m². Although the proposed dwellings would be two storeys in height, and therefore would be slightly more visually prominent than the existing low structures on site, the 35% reduction in built form on the site and removal of the existing large former barn would counter any additional visual impact from the increased height.

The proposed redevelopment of the site would also involve the removal of large areas of hardstanding and open storage and the introduction of additional landscaping. As such it is considered that the proposed redevelopment of this previously developed site for ten dwellings would not result in any additional visual harm to the open character of the Green Belt and surrounding countryside.

Sustainable Location:

The application site is located in a small rural Hamlet that does not benefit from any significant public transport links or local facilities (with the exception of a public house). As such all trips to and from the site would be by way of private vehicles.

One of the key principles of Planning, as laid out within the National Planning Policy Framework, is that decision-makers should “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*”. Adopted Local Plan policies CP1, CP3, CP6, CP9 and ST1 also promote developments that utilise sustainable forms of transport and reduce the need to commute.

When viewed as an isolated site, the level of vehicle movements from the proposed residential development would be similar to the expected levels of commercial traffic using the lawful site. Whilst the proposal would result in an unsustainable form of development not well served by local facilities or public transport it is considered that the small scale of the development would ensure that any harm would be limited and the increase in the level of residential vehicle commuting would be offset by the commercial vehicle movements removed from this site. Therefore it is considered on balance that the redevelopment of this small site for a low density housing development would not be contrary to the Government guidance or Local Plan policies regarding sustainability.

Highways:

The application site has an existing use that generates commercial traffic. The levels of residential traffic that would result from the proposed development would be broadly similar and therefore would not have any further detrimental impact on the highway in terms of safety, efficiency and capacity than the existing use.

The application proposes to relocate the access further to the west of the site frontage in order to optimise visibility splays. The access for the proposal has been amended from that originally submitted and provides appropriate visibility and geometry to serve the development and overcome the comments of the neighbour. Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety or capacity at this location or on the wider highway network, because the proposal would provide improved visibility and geometry of the access in order to serve the development.

The current adopted parking standards (Essex Vehicle Park Standards) requires a minimum 2 car parking spaces per 2+ bed dwelling and 0.25 visitor spaces per dwelling, resulting in a requirement of 23 spaces. Each dwelling would be provided with a bike store.

Visual Impact:

The application site currently contains a number of former agricultural (now commercial) buildings and open storage and is currently a visually unappealing site. Whilst the introduction of a linear row of dwellings to the rear of the site would result in some visual encroachment in this rural area the proposal would reduce the level of built form on the site and would allow for additional landscaping to assist in softening and screening the site.

The (revised scheme) proposes 10 dwellings would be no higher than two storeys in height and would be fairly traditional in terms of the scale and design and therefore are not considered to be detrimental to the overall appearance of the area. There is adequate private amenity space provided for each of the dwellings and the houses would be adequately spaced and of a relatively low density so as to retain the rural character of this area.

Amenity Impact:

It is accepted that the application site is not an ideal location for commercial development and the removal of this commercial site would be of some benefit to surrounding neighbours. The introduction of 10 residential dwelling houses would not cause further disturbance and there would remain a sizeable gap between proposed unit 10 and the flank wall of the nearest house, 1 Old Farm Cottage immediately to the east of the site.

The proposed dwellings in this part of the site (units 6-10) have no first-floor windows in their flank elevations that would look towards the cottage. The rear of unit 6 would have a limited, angled view towards the northern end part of the garden of 1 Old Farm Cottage, which would be significantly less of an issue than the more direct views towards the garden from units 5, 6 & 7 in the approved fall-back scheme. The proposed development which would face towards the

neighbouring property to the west, the proposed houses would be a minimum of 2.m and maximum of 4m from the shared boundary with No.1 Old Farm Cottage side and rear gardens. Furthermore, any subsequent landscaping scheme proposed for the site (by way of condition) can require the provision of additional landscaping and screening along the eastern boundary to mitigate any possible loss of privacy and overlooking as a result of the proposed development.

To the west only one proposed dwelling could be said to face towards the nearest dwellings, but this is a pair of cottages about 60m away – too far for overlooking or loss of privacy to be a relevant issue.

Overall therefore it is considered that the proposed revised development would result in an improvement with less impact to the amenities of nearby residents compared with the previously approved scheme ref EPF/2516/14.

Loss of employment:

The proposed redevelopment of this site would involve the loss of a commercial employment site. The principle of redevelopment of this site for housing has already been established under the previous permission (EPF/2516/14) which has been lawfully implemented. While this is a new application, it is an amendment to the previous scheme, which represents a fall-back position. The loss of commercial, having regard to Policy E1 of the Local Plan cannot therefore be a reasonable position to adopt with this application.

Affordable housing:

The National Planning Practice Guidance states that “*contributions for affordable housing and tariff style planning obligations... should not be sought from developments of 10-units or less, and which would have a maximum combined gross floorspace of no more than 1000m² (gross internal area)*”. Since the application proposes not to be more than ten residential developments and would have a total gross a combined gross floorspace of 993.2m² internal floor area, it is less than 1000m² and therefore no affordable housing provision can be sought for this proposal.

Ecological impacts:

Habitat surveys were undertaken and submitted regarding the proposed development. Subject to the undertaking of the mitigation and recommendations contained within these documents it is considered that there would be no detrimental impact on existing habitats in or around the site.

Landscaping:

Submitted tree and landscaping reports demonstrate that there will be no unacceptable loss of important vegetation.

Flooding:

A Flood Risk Assessment was submitted with this application, which is considered to be acceptable. Similar details are included as part of this application alongside a revised flood risk assessment. It is therefore considered that no further drainage conditions will be necessary. However additional details are required with regards to surface water drainage, which can be adequately dealt with by condition.

Land Contamination:

A revised phase 1 land contamination report is submitted with this application which is consistent with that submitted under planning permission EPF/2516/14. A revised phase 2 report is also submitted which is consistent with that permission.

Phase 1 report would need to be revised prior to the commencement of work, and additional Phase 2 and Remediation Reports would need to be submitted as required, but this matter can be dealt with by conditions.

Waste:

All proposed properties would require a 180-litre waste container, a 180 litre food and garden waste container and a 55 litre glass container. The properties would also need space to store recycling sacks. The proposed layout of the development would allow for this.

The roadways onto the development must be of sufficient structure to withstand the weight of a 32-tonne waste collection vehicle. The widths of the roadways must be adequate so that the collection vehicle can manoeuvre safely without obstruction. The waste operatives should not have to pull waste container more than 25 metres from the property to the collection vehicle.

Epping Forest Special Area of Conservation (SAC)

As set out in Policy DM 2 and DM 22 of the emerging Local Plan, issues have been identified with respect to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development, and from local air quality issues within and adjacent to the SAC. The site though lies outside of the 3km zone measured from the edge of the SAC and therefore a contribution to managing and monitoring of visitor pressure is not required. However, a section 106 agreement is required to help fund the monitoring of the air quality impact on the Forest SAC, but an interim strategy is yet to be drawn up while Natural England continues to object to the Local Plan Submission Version.

Unlike policy DM2 this policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The Epping Forest covers a large area of land within the District and much of the Forest is designated as a Special Area of Conservation (SAC). Biodiversity features within, or associated with, these designations enjoy the highest level of protection under UK and EU Law and UK planning policy. Epping Forest SAC is designated a 'European Site' and as the Conservation of Habitats and Species Regulations 2017 as amended ("the Habitats Regulations") requires that the Council, as the competent authority, must before deciding to grant planning permission make an appropriate assessment of the implications of the development for the SAC in view of the SAC's nature conservation objectives where it is likely that the development is likely to have a significant effect on the SAC (either alone or in combination with other development) and where the development is not directly connected with or necessary to the management of the SAC. This appropriate assessment is known as a Habitats Regulation Assessment (HRA).

Under the Habitats Regulations, the Council may, if it considers that any adverse effects of the development on the integrity of the SAC would be avoided if the planning permission were subject to conditions or limitations, grant planning permission, subject to those conditions or limitations. The approach may vary depending on the scale and nature of the proposal.

This application (10 new dwelling houses) would result in a net increase in vehicle movements and therefore a likely significant effect on air quality as it relates to the Epping Forest SAC

cannot be screened out at this point in time. It is also likely to lead to increased visitor pressure on the SAC given its location within the 6.2km Zone of Influence.

The Council is currently awaiting the views of Natural England on the findings of an updated HRA (January 2019), which has been provided to support the Examination of the Council's submitted Local Plan. This updated HRA has assessed the likely significant effect of development over the period of the Local Plan (including windfalls) in combination with other plans and projects. Until such time as Natural England confirms that it is satisfied with the findings of the updated HRA the Council **cannot grant planning permission on any planning applications** which would result in a net additional increase in vehicle movements within the District.

Natural England has, however, advised that it is satisfied with the approach set out in the Council's 'Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications) with respect to mitigating the likely significant effects of residential development within the current Zone of Influence of 6.2km.

The applicant has submitted a transport assessment which states that the existing use of the site generates up to 86 vehicle movements per day from car/van and HGV movements (HGV amounts to 61 movements per day). The estimated movements from 10 houses are 43 vehicle movements per day. As such there would be a clear net reduction in traffic generation from the proposed development such as to not impact on air quality. The proposal would not therefore require mitigation through a section 106 agreement.

Conclusion:

The proposed revised redevelopment scheme for 10 dwellings of this previously developed (brownfield land) site would not result in any greater harm to the openness of the Green Belt and would not cause any significantly greater impact on the character and appearance of this rural area. The amount of resulting vehicle movements would be broadly similar to the expected commercial vehicle movements of the existing site and the amended relocation of the access to the previously approved location would improve the sightlines of the site and overall highway safety of this stretch of Foster Street which is considered acceptable by the County Authority Highways Engineer.

Whilst the provision of housing on this site would introduce some additional overlooking to the immediately neighbouring dwelling the distances involved and ability to insist on additional landscaping along the eastern boundary would ensure that any loss of amenity would not be excessive.

The proposed development would provide adequate off-street vehicle parking and private amenity space to serve future occupants and, whilst not situated within a sustainable location, the small scale of the proposal and off-setting of the existing commercial use on the site would ensure that the development would be sufficient in terms of sustainability. As such the proposal complies with the National Planning Policy Framework 2019 and the relevant Local Plan Policies and is recommended for approval subject to planning conditions, a S106 Legal Agreement. This permission is therefore a viable fallback position and forms part of the Council's existing land supply.

The revised proposal complies with relevant planning policy and it is recommended that planning permission be granted subject to conditions and subject to completion of a S106 Legal Agreement to secure appropriate financial contributions for the management and monitoring of visitors to the Epping Forest Special Area of Conservation and a contribution towards measures to mitigate air quality as set out in this report.

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: Francis Saayeng
Direct Line Telephone Number: 01992 564161

or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk