

# **Report to the District Development Management Committee**



**Report Reference:** EPF/0018/20  
**Date of Meeting:** 6 July 2020

**Epping Forest  
District Council**

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**Address:** Maltings Farm, Church Road, Moreton, CM5 OJY

**Subject:** Planning Application EPF/0018/20: Reserved Matters Application ref: EPF/0181/18. (Outline planning application for removal of outbuildings & an existing dwelling. Erection of x3 no. detached dwellings. Formation of a new highway access & ancillary works).

**Responsible Officer:** Alastair Prince (01992 564462)

**Democratic Services:** Gary Woodhall (01992 564470)

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## **Recommendations:**

**(1) That planning application EPF/0018/20 be recommended for refusal of planning permission by Area Planning Sub-Committee East due to the scale of the proposed dwellings and their impact on the openness of the Green Belt.**

## **Report:**

1. The application was considered at Area Planning Sub-Committee East on 18 May 2020 with a recommendation from Officers to approve, subject to the below conditions.

2. During the consideration at Area Planning Sub-Committee East a discussion was had with regards to the legal status of the Moreton, Bobbingworth and The Lavers Neighbourhood Plan in relation to this particular application. The reason for this was because Outline Planning Consent was granted on Appeal for the removal of outbuildings and the existing dwelling and the erection of three detached dwellings, along with formation of new highway access and ancillary works in March 2019, which was before the adoption of the Moreton, Bobbingworth and The Lavers Neighbourhood Plan in October 2019. However this Reserved Matters application is being determined after the adoption of the Neighbourhood Plan.

3. It can be clarified that Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 provides that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for these purposes means the relevant documents within the development plan as they stand, at the time of the making of the decision which, in this case, includes the Moreton, Bobbingworth and The Lavers Neighbourhood Plan. If there

are conflicts between the Neighbourhood Plan and other documents within the development plan, the Neighbourhood Plan, being the most recent policy will prevail (S38(5) PCPA 2004).

4. Notwithstanding the above, the extant Outline Planning consent is a material consideration that is given significant weight in this application and it is considered that in this particular case, this would constitute an exceptional circumstance sufficient enough to outweigh the failure to comply with the adopted Neighbourhood Plan. Members of Area Planning Sub-Committee East agreed with this conclusion.

5. Nonetheless, the Members of Area Planning Sub-Committee East recommended refusal of the application due to the scale of the proposed dwellings and their impact on the openness of the Green Belt. Four members of the Sub-Committee then invoked the Minority Reference rules of the Constitution to refer this application to the Committee for a decision.

6. The original report considered by Area Planning Sub-Committee East on 18 May 2020 is reproduced below.

**Original Recommended Conditions:**

**That planning application EPF/0869/19 be granted planning permission subject to the following planning conditions:**

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;  
Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).**
- (2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: A1/664; 01A, 02A, 03A, 04A, RBL/MF/01, Arboricultural Report, Design and Access Statement;  
Reason: To ensure the proposal is built in accordance with the approved drawings**
- (3) No construction works above ground level shall have taken 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, prior to the commencement of the development. 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 policy DBE1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- (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, C, D, E of Part 1 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 policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- (5) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.  
Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.**
- (6) 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.  
Reason- In the interests of the amenities of noise sensitive properties, in accordance with policies RP5A and DBE9 of the adopted Local Plan and**

**Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.**

- (7) No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures 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 policy U2B of the adopted Local Plan and Alterations 1998 & 2006, and policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.**

- (8) No development shall take place until details of foul and 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.**

**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.**

- (9) 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.**

**Reason:- To comply with the duties indicated in 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 LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.**

- (10) Hard and soft landscaping shall be implemented as shown on Richard Smallwood Associates Ltd 'existing and proposed site plan' drawing number A1/664/01A dated August 2019. and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations 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, policies CP2 and LL11 of the adopted Local Plan and Alterations, and policies DM 3 and DM 5 of the Epping Forest District Council Local Plan Submission Version 2017.

- (11) 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 Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority. Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.
- (12) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, 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 commencement of development works. In such instances, 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 policy RP4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.
- (13) Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day. Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF 2019.

- (14) Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking 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 and DM22 of the Local Plan Submission Version 2017, and the NPPF 2019.

- (15) Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is provided.

- (16) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

#### **Original Officer Report:**

*This application is before this Committee since the Area Planning Sub-Committee East's proposed decision is to refuse planning permission, contrary to a recommendation to grant permission by the Service Director (Planning Services), for a development proposal for a site are made by or on behalf of the Council (Pursuant to Article 10 of The Constitution).*

#### **Description of Site**

Maltings Farm is a detached dwelling located within a small group of dwellings in Maltings Hill. The dwelling appears single storey from the front but was extended significantly with two storey wings at the rear at some point in the 1970's. To the right of the property are substantial outbuildings which may have originally had agricultural use, but have clearly been part of the residential curtilage for a considerable period. To the left of the property is a substantial and overgrown garden area where according to the applicant's submission there were previously two cottages. To the rear of the houses is a plot of land that was last used as a commercial cattery, with a variety of buildings, some of which are not permanent and substantial.

#### **Description of Proposal**

Planning permission is sought for the approval of reserved matters in connection with the granting of an outline planning application for the removal of existing outbuildings and an existing dwelling to be replaced with 3 detached dwellings, including a new highway access and ancillary works. The outline application was allowed on appeal following the refusal of EPF/0181/18. The reserved matters that are being sought for approval are as follows:

Access  
Appearance  
Landscaping  
Layout  
Scale

### **Relevant Site History:**

Various applications on the site however the below references are directly relevant to this application:

EPF/2140/19 - Removal of existing dwelling and outbuildings. Erection of three new detached dwellings. Formation of new highway access and ancillary works. (Withdrawn)

EPF/0181/18 - Outline planning application for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works (06/04/2018) – Refuse Permission (allowed with conditions on appeal)

### **Policies Applied:**

Adopted Local Plan and Alterations 2006:

CP1 – Protecting the quality of the rural and built environment

CP3 – New Development

CP6 – Sustainable Urban Development patterns

GB2 – Development in the Green Belt

GB7A – Conspicuous Development

GB8A – Change of use or adaptation of buildings

NC4 – Protection of Established Habitats

NC5 – Promotion of nature conservation schemes

RP4 – Contaminated Land

H2A – Previously Developed Land

H9A – Lifetime Homes

U3B - Sustainable Drainage Systems

DBE1 – Design of New Buildings

DBE2 - Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE6 – Car Parking in new development

DBE8 – Private amenity space

DBE9 – Loss of Amenity

LL1 – Rural Landscape

LL7 – Planting protection and care of trees

LL10 – Adequacy of provision of landscape retention

LL11 – Landscaping Schemes

ST1 – Location of Development

ST2 – Accessibility of Development

ST4 – Road Safety

ST6 – Vehicle Parking

I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 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.

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in

accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 – Presumption in favour of sustainable development  
SP5 – Green Belt and District Open Land  
T1 – Sustainable Transport Choices  
DM1 - Habitat protection and Improving Biodiversity  
DM9 – High Quality Design  
DM10 – Housing Design and Quality  
DM15 – Managing and Reducing Flood Risk  
DM16 – Sustainable Drainage Systems  
DM19 – Sustainable Water Use  
DM21 – Local Environmental Impacts, Pollution and Land Contamination

### **Summary of Representations:**

No. of neighbours consulted: 11 – 4 objections received

SCOTT'S FARM – Strong Objection: overdevelopment of the site, highway safety issues.

1 MALTINGS HILL – Objection: application in direct conflict with the neighbourhood plan in respect of small homes. Out of character with the area. Contrary to road safety. Loss of privacy to neighbouring amenity. Unsustainable development.

2 LANDVIEW COTTAGES – Objection: Overdevelopment of the site, insufficient vehicular access, out of scale with surrounding area.

HILL FARM – Objection: scale of development contrary to Neighbourhood Plan.

PARISH COUNCIL – Objection: The Parish Council OBJECTS to this application on the following grounds:

- 1) Moreton Bobbingworth and the Lavers Neighbourhood Plan Policy MLBL1.1 “New open market housing developments should predominately comprise one or two bedroom houses”
- 2) Increase to size of footprint of development increased from 135% of original buildings to 165%

### **Main Issues and Considerations:**

It is important to note that as the outline application EPF/0181/18 was allowed on appeal, it is considered that the general principle of development in this location is acceptable. Therefore, this current application shall be assessed on the following criteria:

Access  
Appearance  
Landscaping  
Layout  
Scale

Access



There have been objections from neighbours that the proposal would result in an insufficient access detrimental to highway safety. There are two accesses proposed into the site; one that serves the left and central dwellings and another that serves the right dwelling. The left/central access measures at 8.5 metres at its widest and 6 metres at its narrowest. The right access measures 5.6 at its widest and 3.2 at its narrowest. Essex Highways have been consulted as part of the application and have recommended that the proposal is acceptable in relation to highway safety. This aspect of the Reserved Matters is acceptable and conforms with planning policy.

### Appearance

The proposed three dwellings are similar in character and appear of a modest design. The gabled roof forms incorporate traditionally formed dormer windows to the front and rear elevations. The external walls would be finished in a light grey coloured render, with natural black slate roof tiles utilised for the roof. The use of such materials would not be out of keeping with the surrounding area and would not be detrimental to the character of the street scene. The appearance of the proposal conforms with planning policy.

### Landscaping

The proposal includes a mixture of hard and soft landscaping, with hard landscaping found predominately to the front in the form of permeable paving and soft landscaping to the rear. Soft boundary treatments in the form of hedging and trees behind are located to the front of the site. The Council's Tree and Landscaping team have been consulted on the application and had no concerns surrounding the application. The proposal would be in accordance with local policy.

### Layout

The site's layout is linear in design and set back approximately 14 metres from the front boundary of the site. There is a 2 metre separation between the dwellings allowing views through the site. Each plot benefits from generous amenity space at the front and rear. The dwellings are located a sufficient distance away from neighbouring dwellings so as to not cause significant harm to neighbouring properties. It is considered that the layout of the site is acceptable in planning terms.

### Scale

Several objections have been raised surrounding the scale of the development. The proposed dwelling houses shall be single storey with rooms in the roof, so a relatively low scale of development. The Moreton, Bobbingworth and The Lavers Neighbourhood Plan suggests that new build houses should predominately contain 1-2 bedrooms, rather than 4 bedrooms as this scheme puts forward in each dwelling.

The outline consent previously granted was submitted with indicative plans similar in scale to this proposal. Whilst the previous plans were only indicative, the Planning Inspector made it clear within their appeal decision that *"a plan accompanying the application indicates the built form reflecting the description of development, although this is a possible rather than definitive layout and design. As the Council had regard to this indicative plan in determining the application, I have dealt with the appeal on the same basis"*.

It is considered that, since the scale of the dwellings within the site is similar to that previously considered acceptable, in this instance the proposal is acceptable as proposed. The new houses met the Nationally Prescribed Space Standards as outlined in Policy DM10 of the Epping Forest District Local Plan (Submission Version) 2017. Permitted Development

Rights can be restricted to better manage the scale of any future development on the site. On balance, the proposal is compliant with planning policy.

**Conclusion:**

The proposal is acceptable in terms of Access, Appearance, Landscaping, Layout and Scale and largely follows the indicative plan submitted and considered as part of the original outline consent. As such it is recommended that planning permission is granted subject to 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: Alastair Prince  
Direct Line Telephone Number: 01992 564462***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***