

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 27th November, 2019

You are invited to attend the next meeting of **Area Planning Sub-Committee East**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping
on Wednesday, 27th November, 2019
at 7.30 pm .**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer**

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), N Bedford, P Bolton, H Brady, L Burrows, I Hadley, S Jones, C McCredie, M McEwen, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 20)

To confirm the minutes of the last meeting of the Sub-Committee held on 30 October 2019.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

<http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing->

[Note_Mar-2018.pdf](#)

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/1928/19 - DELIMORES, 19 HIGH STREET, ONGAR, ESSEX, CM5 9DS (Pages 21 - 26)

To consider the attached report.

10. PLANNING APPLICATION - EPF/2217/19 - LAND AT POTASH ROAD, MATCHING GREEN, ESSEX, CM17 0RN (Pages 27 - 44)

To consider the attached report.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

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Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee East 2019-20
Members of the Committee and Wards Represented:



**Chairman
Cllr Keska**
Chipping Ongar,
Greensted and
Marden Ash

**Vice-
Chairman
Cllr Rolfe**
Lambourne

Cllr Bedford
Shelley

Cllr Bolton
North Weald
Bassett

Cllr Brady
Passingford



Cllr Burrows
Epping
Lindsey and
Thornwood
Common

Cllr Hadley
Moreton and
Fyfield

Cllr Jones
Theydon Bois

**Cllr
McCredie**
Epping
Hemnal

Cllr McIvor
North Weald
Bassett



Cllr McEwen
High Ongar
Willingale and
the Rodings

Cllr Morgan
Hastingwood,
Matching and
Sheering
Village

Cllr Philip
Theydon Bois

Cllr Stalker
Lower Sheering

Cllr Vaz
Chipping Ongar,
Greensted and
Marden Ash



**Cllr C
Whitbread**
Epping
Lindsey and
Thornwood

**Cllr H
Whitbread**
Epping Lindsey
and Thornwood
Common

**Cllr J H
Whitehouse**
Epping Hemnal

**Cllr J M
Whitehouse**
Epping
Hemnal

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 30 October 2019
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.12 pm
High Street, Epping

Members Present: P Keska (Chairman), B Rolfe (Vice-Chairman), P Bolton, H Brady, L Burrows, I Hadley, C McCredie, M McEwen, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

Other Councillors:

Apologies: N Bedford and S Jones

Officers Present: M Johnson (Development Management Manager), A Marx (Service Manager (Development Management)) and A Hendry (Senior Democratic Services Officer)

45. WEBCASTING INTRODUCTION

The Chairman announced that due to technical issues this meeting could not be webcast this evening.

46. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

47. MINUTES

RESOLVED:

That the minutes of the meeting held on 02 October 2016 be taken as read and signed by the Chairman as a correct record subject to Councillor L Burrows' name being added to the declarations of interest given at that meeting on applications EPF/0921/19 and EPF/0922/19 by virtue of knowing the Trustees of the Epping Theydon Trust Limited.

48. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Conduct, Councillors B Rolfe, C Whitbread, H Whitbread, J Philip and J H Whitehouse, L Burrows and C McCredie declared a non-pecuniary interest in the following items of the agenda by virtue of knowing Trustees of the Epping Theydon Trust Limited. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0921/19 – 1-7 Margaret Road, Epping CM16 5BP; and
- EPF/0922/19 – Land adjacent to 7 Margaret Road, Epping CM16 5BP.

(b) Pursuant to the Council's Code of Conduct, Councillor H Brady declared a non-pecuniary interest in the following items of the agenda by virtue of her husband acting as a consultant to the Trustees of the Epping Theydon Trust Limited. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0921/19 – 1-7 Margaret Road, Epping CM16 5BP; and
- EPF/0922/19 – Land adjacent to 7 Margaret Road, Epping CM16 5BP.

(c) Pursuant to the Council's Code of Conduct, Councillor M McEwen declared a non-pecuniary interest in the following items of the agenda by virtue of being on the Abridge Hall Management Committee. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1703/19 – Abridge Village Hall, Abridge RM4 1UU

49. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

50. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

51. SITE VISITS

No site visits were called for.

52. PLANNING APPLICATION - EPF/0921/19 - 1-7 MARGARET ROAD, EPPING, ESSEX, CM16 5BP

APPLICATION No:	EPF/0921/19
SITE ADDRESS:	1-7 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Proposed x 2 no. new dwellings to land rear of 1-7 Margaret Road.
DECISION:	Refused

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=622715

REASON FOR REFUSAL

- 1 The proposals represent overdevelopment of the site resulting in a cramped appearance in this backland of nos. 1 to 7 Margret Road, which would be out of keeping and character with the locality and the surrounding area, contrary to National Planning Policy Framework 2019, Policies CP2 and DBE1 of the Adopted Local Plan 1998 and 2006, and policy DM 9 of the Local Plan Submission Version 2017.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy CP1 (i), NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan (Submission Version) 2017 and the requirements of the Habitats Regulations 2017.
- 3 The proposal would result in an unacceptable loss of amenity and be overbearing to the occupants of neighbouring residential properties that adjoin the site, by reason of increase activity in this former rear garden area and its position next to their short depth rear gardens of 1-7 Margaret Road as well as unacceptably overlook towards the rear garden of 20 Shaftesbury Road, contrary to the National Planning Policy Framework 2019 , Policies DBE2 and DBE9 of the Adopted Local Plan 1998 and 2006 and policy DM 9 of the Local Plan Submission Version 2017.
- 4 The proposal, by reason of its proximity to the motor vehicle body repair business to its north east would be negatively affected by excessive levels of noise from the air intake vents attached to that building to the detriment of amenities of future occupiers of the proposed dwelling houses. The proposal would therefore be contrary to the National Planning Policy Framework 2019, Policies DBE2 and DBE9 of the Adopted Local Plan 1998 and 2006, and policy DM 9 of the Local Plan Submission Version 2017

53. **PLANNING APPLICATION - EPF/0922/19 - LAND ADJACENT TO 7 MARGARET ROAD, EPPING, ESSEX, CM16 5BP**

APPLICATION No:	EPF/0922/19
SITE ADDRESS:	Land adjacent to 7 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Proposed new dwelling to land adjacent to no.7 Margaret Road.
DECISION:	Grant Permission (With Conditions) Subject to S106 agreement

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=622716

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: Location/Block Plan S.E.2, S.E.1, Design and Access Supporting Statement.
- 3 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.
- 4 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 facilities

The approved Statement shall be adhered to throughout the construction period.
- 5

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.

6

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.

And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial and/or other contribution towards mitigation of the impact of the development on visitor pressure and air quality in the Epping Forest Special Area of Conservation.

54. PLANNING APPLICATION - EPF/1703/19 ABRIDGE VILLAGE HALL, 39 ONGAR ROAD, ABRIDGE, LAMBOURNE, ESSEX, RM4 1UU

APPLICATION No:	EPF/1703/19
SITE ADDRESS:	Abridge Village Hall 39 Ongar Road Abridge Lambourne Essex RM4 1UU
PARISH:	Lambourne
WARD:	Lambourne
DESCRIPTION OF PROPOSAL:	Erection of 4 floodlights for occasional evening use, lights to be switched off by 8.30 pm
DECISION:	Approved (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=626093

CONDITIONS

- 1 The floodlights hereby approved shall be angled 30 degrees from the horizontal at the base of the lighting head.
- 2 The floodlights hereby approved shall be switched off by 20:30 when in use
- 3 The maximum luminance of the floodlights granted consent by this Notice shall not exceed 20,000 lumens
- 4 The development hereby permitted in accordance with the approved drawings numbers: Proposed site plan, LEDVANCE-PRODUCT DATASHEET date 21 December 2018 and photographs submitted.

55. PLANNING APPLICATION - EPF/0803/19 - FOSTER STREET FARM, FOSTER STREET, HASTINGWOOD, CM17 9HS

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
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
DECISION:	Grant Permission (with Conditions) Subject to S106 agreement

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:

2356.2C (Proposed Site Plan) Dated 27/08/19, 3754/1A (Site Location Plan) Dated 21/02/2019, SK01REV G (Access Arrangement and Visibility Splay) Dated 27/06/2019, 2356.7, 2356.6, 2356.4, 2356.5,

2356.3, 2356.2, SK02REVA, 2356.8, Landscaping Tree report, PR121748-11E, Phase 1 Contaminated Land Report GB505-P1DSR-FEB-2019-REV1 (Feb 2019); Geo-environmental and Geotechnical Interpretative Report GB505-GGIR-FEB-2019-REV2 (Feb 2019); Extended Phase 1 Habitat Survey Report DFCP 3054-04 (9 April 2019); Arboricultural Report PRI21748amsA (14 March 2019); Tree Report PRI21748tr (15 March 2019); Materials details; EAS Access Appraisal Report (27 June 2019); Protected Species Report (28 June 2019); EAS SUDS Drainage Report (July 2019); EAS Trip Rate Assessment (2 September 2019);

- 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 The development shall be carried out in accordance with the flood risk assessment (SuDS Strategy Report, Revision C, Ref: 1956/2019, July 2019) and drainage strategy submitted with the application unless otherwise agreed in writing with the Local Planning Authority
- 11 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.
- 12 The recommendations within the Phase 1 Habitat Survey DFCP 3054-04 dated 9 April 2019, 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.
- 13 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.
- 14 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 facilities

The approved Statement shall be adhered to throughout the construction period.

- 15 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.2356.2C, and SK01/REV G to include but not limited to:
- 2.4m x 120m visibility splays.
- 16 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.
- 17 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.
- 18 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, 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.
- 19 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,

ground waters 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]

- 20 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]

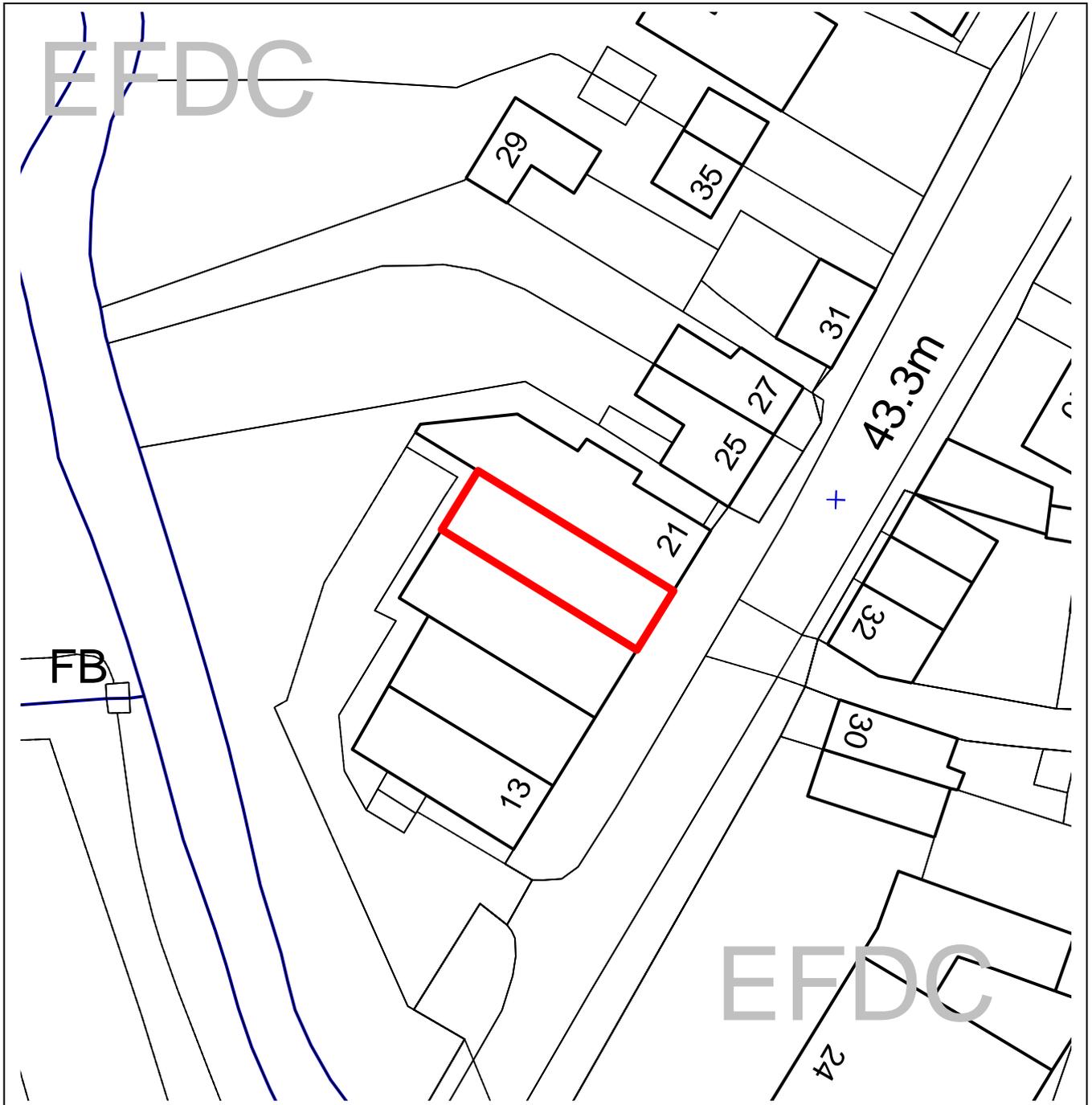
- 21 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance 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.
- 22 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.
- 23 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.

CHAIRMAN

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Application Number:	EPF/1928/19
Site Name:	Delimores 19 High Street Ongar Essex CM5 9DS
Scale of Plot:	1:500

APPLICATION No:	EPF/1928/19
SITE ADDRESS:	Delimores 19 High Street Ongar Essex CM5 9DS
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Ms Sharon Britton
DESCRIPTION OF PROPOSAL:	Application for Variation of Condition 3 "opening hours" for EPF/1320/18. (Conversion of hairdressers A1 use to cafe A3 use and alterations to shopfront).
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=627033

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 cafe hereby permitted shall not be open for customers other than between 0730hr and 18230hrs Mondays to Saturdays, 0930hrs to 1400hrs on Sundays, and at no time on Bank Holidays. No food preparation within the premises shall take place more than 30 minutes before the opening time above.
- 3 The extract ventilation system incorporating anti-vibration mountings and incorporating filters shall be maintained in full accordance with the details approved by the Local Planning Authority at the time of installation for the duration of the use.
- 4 Grease separators fitted to any drainage serving the kitchen previously approved by the Local Authority shall be maintained in working order in accordance for the duration of the use.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The site comprises a ground floor shop unit on the west side of the High Street, towards its southern end. The property lies in a mid-terrace position within a two storey block comprising ground floor shops with independent flats above, accessed from the rear. Ground floor commercial units include a glaziers, launderette, pet shop and newsagent / supermarket. An open area at the southern end and the rear is used for parking by residents and businesses. There is also a parking layby in front of this parade of shops

The site lies in a fringe town centre location, Ongar Brook abuts the southern edge of the car parking area and this and adjoining land remains in the Green Belt. Opposite is a car sales site and veterinary surgery adjacent and there are residential units to the north.

The site lies in the Chipping Ongar Conservation Area.

Description of Proposal:

Permission is sought for a variation of opening hours of the existing café. The use is currently limited to trading between 0730hrs and 1400hrs Mondays to Saturdays, 0930hrs to 1400hrs on Sundays, and at no time on Bank Holidays. No food preparation is permitted more than 30 minutes prior to the start of trading.

The extended hours proposed alter the closing time on Mondays to Saturdays until 1830hrs, no other changes are proposed.

Relevant History:

EPF/0518/17 Change of use from hairdressers to pizzeria restaurant and takeaway with extraction unit to rear. This application proposed trading hours of noon-11pm seven days a week and was refused on grounds of evening and night time disturbance.

EPF/1320/18 Change of use to café approved, subject to conditions including trading hours as above, shopfront finishes and extract ventilation installation.

Policies Applied:

Adopted Local Plan:

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

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

CP2	Protecting the quality of the rural and built environment
RP5a	Adverse environmental impacts
TC3	Town Centre function.
DBE9	Loss of Amenity

NPPF (February 2109):

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:

6 – Building a strong, competitive economy – paragraph 80

7 – Ensuring the viability of town centres – paragraph 85

12 – Achieving well designed places – paragraph 127

Epping Forest District Local Plan (Submission Version) 2017:

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12 July 2019; this advice will be 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
E2 - Employment – centre hierarchy / retail	Significant
DM9 - High Quality Design	Significant
DM21 - Local environmental impacts, pollution and land contamination	Significant
P4 - Ongar	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 05 September 2019

Number of neighbours consulted: Eighteen

Site notice posted: No, not required

Responses received: Objections have been received to the application, from 15, 17, 17A, 19A, 19B HIGH STREET, including a petition signed by occupiers of 12 High Street addresses in the vicinity. One further response has been received from a High Street resident who has not given their address. Objectors raise the following concerns:

- Noise and disturbance from the existing use – including customers and staff and from smoking at front and rear.
- Nuisance from smells, particularly when rear doors are left open in the summer.
- Noise from extractor system
- Parking issues – blocking of residents bays, impact on road and on surrounding businesses.as a result of indiscriminate customer parking

One further response has been received in support the application from another business in the block, commenting that the additional footfall has had a positive benefit on their trade.

Parish Council: Ongar Parish Council has commented as under:

I would like to bring your attention to the following issues that residents have complained about:

- *Staff has been known to arrive as early as 5:45 am to start preparing the cafe for opening at 7:30 am and not 30 minutes before opening.*
- *The cafe emits odours even with the extraction units and especially during the warm weather when the doors are open.*
- *There is excessive noise caused by the cafe staff at the rear and by patrons out the front.*
- *Residents parking access is blocked by vehicles.*
- *Residents have been abused by people parking inconsiderately.*
- *Parked vehicles exceeding the permitted parking time.*
- *The other shop keepers have reported an impact upon their business because the lay-by is full and turnaround is slow. The other shopkeepers report that they and their customers need to park as close as possible because they are moving heavy items; delivering laundry, collecting laundry, collecting animal feed and bedding from the pet shop.*

- *People who are unable to park in the lay-by, will then park in the road with their wheels on the footpath and obstructing it and forcing pedestrians into the road, especially pushchairs and mobility scooters.*

I am informed that these issues are a problem now, and residents fear that they will get worse if the opening hours are extended. The Council want all businesses in Ongar to be successful, but not to the detriment of residents and so these concerns should be addressed when considering this application.

Main Issues and Considerations:

The application relates to the extension of trading hours only and should be primarily considered as such.

The site lies in the High Street within a commercial parade. Other units in the parade trade during the day, including the supermarket adjacent at no.21 which advertises trading hours of 7am – 7.30pm Monday to Saturday and 8am – 1pm Sundays. In this context, extending trading hours will contribute to the viability and vitality of the town centre during what may be regarded as normal trading hours.

Local residents have raised a number of issues around noise, smells and vibration and vehicle parking, matters which are capable of control through other powers. Environmental Health staff have spent considerable time monitoring the operations of the site and have not to date found evidence of a nuisance that would warrant further action. The extract ventilation system meets statutory requirements (and accords with the requirements of the conditions of the original permission), and allegations of noise disturbance have not been substantiated. Highway controls are in place with single yellow lines operational 8am – 6pm Mondays to Saturdays and it is a matter for the Highway Authority as to how these are enforced.

Notwithstanding any such concerns, in planning terms the proposed extension of hours is within the core trading hours of the centre at a time when ambient activity is at its peak. Opening the premises during this period would not have a disproportionate additional impact in the local context.

Conclusion:

In broad planning terms, the proposed alteration of hours at a time of the day when surrounding businesses will be operational and there is a high level of general activity. While noting concerns raised by residents, these have not been substantiated, and would not be solved by refusing the current application.

The proposal is therefore considered to comply with relevant planning policy and it is recommended that planning permission be granted

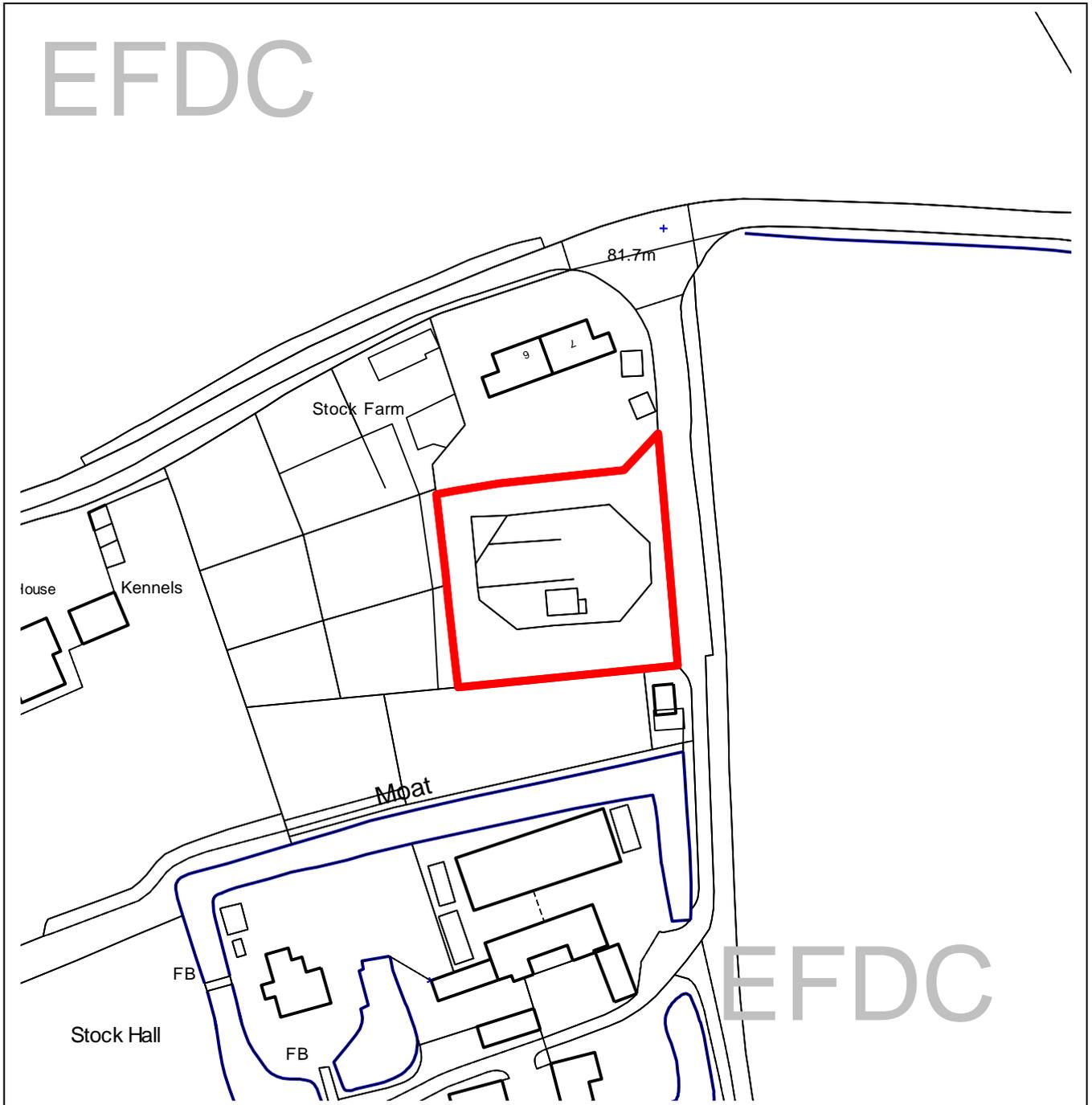
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the day of the meeting at the latest:

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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



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Application Number:	EPF/2217/19
Site Name:	Land at Potash Road Matching Green Essex CM17 0RN
Scale of Plot:	1:1250

APPLICATION No:	EPF/2217/19
SITE ADDRESS:	Land at Potash Road Matching Green Essex CM17 0RN
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Russell Tomkins
DESCRIPTION OF PROPOSAL:	Erection of two dwelling houses (Revised Design 3) including the removal of existing underground storage tanks. (Revised application to EPF/0189/19).
RECOMMENDED DECISION:	Refuse Permission

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=628293

REASON FOR REFUSAL

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal would result in significantly greater impact on openness than the existing development and is therefore inappropriate development by definition harmful. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A and GB7A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM4 of the Submission Version of the Local Plan (2017).
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such the development is contrary to Policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

This application is before this Committee since it has been ‘called in’ by Councillor Richard Morgan (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).

Site and Surroundings

The application site is located within a sporadic area of development to the east of Matching Green. Access to the site is through a private road, over which the applicant has right of access to and which adjoins Potash Road to the north.

To the immediate north are two neighbouring bungalow style dwellings, whose rear gardens are approximately 21m long and back onto the application site. The adjacent land to the west is frequently used as a paddock for horses, the land to the immediate south is used as a ménage for their exercise, the barn to the north east of the site is used for their stabling and the large barn to the south, separated by a moat, is a large barn used as an indoor training area and stable. Elmbridge House is located to the west of the site beyond the paddocks at a distance of approximately 80m from the site.

Currently on the site there are various underground storage tanks however the only visible features are the pipework that connects them and an above ground, rather dilapidated looking single storey building. The site is located within the boundaries of the Metropolitan Green Belt. It is not in a Conservation Area.

Description of Proposal:

Permission is sought for the construction of two detached houses.

House 1 is three bedroomed and has an L shaped layout of which the main stem measures 17m by 6m, the western wing measures 6m by 7m.

House 2 also has an L shaped layout of which the stem measures 16m by 6m and the southern wing measures 8m by 6m.

Both houses have maximum height of 4.5m to the ridge of their gable roofs. Both houses contain 4 rooflights in the roof.

External finishes include Black weatherboard cladding, Solar tile PV panels and slated roof, grey aluminium sliding doors and windows. A 1.6m high close boarded fence and 2m high green hedge is proposed along the boundary.

Access is proposed via the gravel track off Potash Road into a gated drive on the eastern boundary of the site.

Relevant History:

Reference	Description	Decision
CLD/EPF/0173/99	Certificate of lawful development application for use of land for underground storage	Lawful
EPF/2724/16	Erection of two dwelling houses.	Granted/Conditions
EPF/2756/18	Erection of 2 no. dwellinghouses (Revised Design 2) including removal of existing underground storage tanks	Refused
1. The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal would result in significantly greater impact on openness than the existing development and is therefore inappropriate development by definition harmful. No very special circumstances or other considerations have been		

advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A and GB7A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM4 of the Submission Version of the Local Plan.

2. The proposed first floor window and balcony within the northern flank elevation of both the houses would detract from the amenities of the adjoining residents at 6 and 7 Potash Road as a result of the serious increase in the real and perceived level of overlooking created. The proposal is therefore contrary to the requirements of paragraphs 127(f) and 130 of the NPPF and policy DBE9 of the Epping Forest District Local Plan and Alterations along with policy DM9 of the Submission Version Local Plan..
3. The application proposes not to remove the underground tanks, therefore the risk of leakage from the tanks and the associated infrastructure within the ground still exists. This means that the risk associated with the tanks and the underlying infrastructure to human health, buildings, services and controlled waters will still remain. The proposal is therefore contrary to the requirements of paragraph 170 of the NPPF, policy RP4 of the Adopted Local Plan and policy DM21 of the Submission Version Local Plan.

EPF/0189/19	Erection of 2 no. dwellinghouses (Revised Design 2) including removal of existing underground storage tanks. (Revised application to EPF/2756/18).	Refused Appeal pending
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Reason for refusal: The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal would result in significantly greater impact on openness than the existing development and is therefore inappropriate development by definition harmful. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A and GB7A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM4 of the Submission Version of the Local Plan.

DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
LL1	Rural Landscape
LL9	Felling of Preserved Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
DBE1	Design of new buildings
RP4	Contaminated land
U3B	Sustainable drainage
DBE8	Private Amenity Space
ST1	Location of development
ST2	Accessibility of development
ST4	Road Safety
ST6	Vehicle parking standards
H1A	Housing Provision
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
NC1	SPAs, SACs and SSSIs
NC4	Protection of Established Habitat

NATIONAL PLANNING POLICY FRAMEWORK

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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."

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

In summary, the effect of footnote 7 is that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (that is less than 75% of) the housing requirement over the previous three years, “the policies which are most important for determining the application” are deemed to be “out-of-date”, so that the presumption in favour of sustainable development applies and planning permission should be granted unless either sub-paragraph (i) or (ii) is satisfied.

For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

In addition to paragraph 11, the following policies in the NPPF are relevant to this application:

Paragraph	108 - 110
Paragraph	117
Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	133
Paragraph	143 - 145

[**EMERGING LOCAL PLAN**

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector

concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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).²²"

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
SP3 Place Shaping	Significant
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 9

Responses received:

ELMBRIDGE HOUSE: COMMENT: We agree with the proposal subject to the remedial works that are carried out to the removal of the tanks are completed successfully and a validation certificate is issued. We also are concerned on the utilities supply to the surrounding area, we have poor water supply currently and expect the same if not improved service once the construction has been completed.

Access to our property should not be impeded at any time and works carried out only midweek and between the hours of 08.00 and 17.00 hours.

6 and 7 POTASH ROAD –SUPPORT– Reduces the adverse impact of development in the Green Belt relating to height and size as well as a design in keeping with neighbouring buildings.

2: Reduces the potential for people and traffic movements adjacent to my property and over the access road which I use to access my property.

3: Minimises the disruption of clearing the Site and subsequent building work.

4: By association improves the safety of the people and horses who are involved in the working equestrian establishment of Stock Farm, which completely surrounds this 'island development Site', not only during development but in the future as well.

Due care and attention to the neighbouring properties and animals.

As mentioned before, we have no issue for the improvements to occur on the site but all the above must be complied with for us to agree the proposals.

2 LEA HALL BUNGALOWS DUNMOW ROAD: SUPPORT the application

STOCK FARM POTASH ROAD: NO OBJECTION

PARISH COUNCIL: SUPPORT the application

ESSEX COUNTY COUNCIL HIGHWAYS AUTHORITY: From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

ENVIRONMENTAL HEALTH (LAND CONTAMINATION): Updated memo

The phase I desk study report has now been thoroughly reviewed by the council external consultant. The feedback in full and what is required for submission to the council is provided below:

The Phase I report (ref. 0984-P1E-1-B) and Proposed Scope of Works (ref.0984-P2E-1-AScope), both dated August 2019, relating to potential contamination issues at the above site has been reviewed and I have the following comments to make regarding its content: The Phase I report satisfactorily addresses the requirements for submission of a desktop study, in that it is signed, countersigned and dated, contains: relevant information of a site walkover performed; background information for the site and surrounding area; details of previous site investigations undertaken; a conceptual site

model (CSM); and a preliminary risk assessment identifying active contaminant linkages; and conclusions.

Historic maps show potential contamination on-site from the previous use of the land as a military fuel storage depot, and more latterly as a chemical storage depot. The wider surrounding, up to >250m has also been used for military purposes, along with agricultural fields. There are no landfills within 250m of the site boundary. The Phase I report undertook a site walkover, noting the land planned for development as currently unused. A single building on the site may possibly contain asbestos containing materials (investigations of this sort were beyond the scope of the report). A total of six access covers representing six underground storage tanks (USTs) were identified. No details were provided as to whether the USTs had been decommissioned. No visual or olfactory signs of contamination were recorded.

Contaminants of concern include, metals, hydrocarbons, PAHs, pesticides and ACMs. Given the previous land use and presence of USTs, a significant depth of made ground can be expected. A site investigation was previously undertaken in 2017 (report ref. 0984-PGE-1).

While this report has not been submitted to the LPA as part of this application, the Phase I outlines the main findings. Following seven soil samples analysed contaminants above guideline values were recorded for metals, TPH, PAHs and VOCs. Significant increases above GACs were noted for PAHs (BaP, BbF and BaA) and VOC vapours (Benzene and 1,2,4 Trimethylbenzene). Given the surrounding historic military land use and the known thickness of superficial deposits with high leaching potential, migration of contaminants, via the perched groundwater pathway, have to be considered. The existing building is planned to be demolished and therefore without an asbestos survey to identify any ACMs present, there is potential for asbestos to impact surface soils. Of the eighteen contaminant linkages listed in the preliminary CSM, a high risk rating was attributed to the inhalation of asbestos

fibres to site workers. A moderate risk rating was attributed to the ingestion of these contaminants via the home grown produce pathway, the inhalation of VOCs, the migration of contaminants via groundwater, as well as the inhalation of asbestos fibres to end users. A moderate/low risk rating is attributed to the direct contact, inhalation and ingestion of potentially contaminated soil. No risk is attributed to ground gas following the previous site investigation results. However, these results have not been provided to assess if monitoring was undertaken in accordance with best practice, as stipulated under CIRIA C665. The report therefore proposes an intrusive site investigation. This should include sampling at both the surface of soils, as well as at depth to determine the potential for the contaminative impact on soils and perched groundwater. Without further information showing the extent of previous gas monitoring undertaken, the site investigation should further include gas monitoring to determine the potential for ground gases.

The Scope of Works report describes the proposed site investigation, providing details of sampling techniques to be undertaken following the removal of the six USTs, the number of targeted samples to be taken (including a sampling plan in the appendices), quality control for sampling and storage of soil samples, and the contaminant suite of chemicals to be tested. The site investigation proposed is considered satisfactory and the proposed number of samples sufficient. It is considered that works described are designed to inform the CSM and to determine the extent of any remediation required to allow the site to be fit for the purpose of a residential with garden end use.

After review of the Phase I and Scope of Works reports, the following information is required to be submitted to the Local Planning Authority (LPA) for approval:-

1. Further details of the previous site investigation (2017) which shows the extent of gas monitoring undertaken. Where this cannot be provided further gas monitoring will be required;
2. An intrusive site investigation, as described in the Scope of Works report. Sampling of soils should include a satisfactory number taken throughout the soil profile, at each depth, to ensure confidence in assessing risks from all contaminant pathways;
3. . An asbestos survey for the building planned for demolition, and where ACMs are identified a Method Statement which describes how ACMs will be safely removed off site and disposed of, without impacting surface soils.

Should the LPA be minded to grant planning permission I would recommend that the following conditions remain on the decision Notice:-

SCN57 - Contaminated Land (PC)

SCN58 - Contaminated Land - Approval of Verification Report

SCN59 - Contaminated Land - Not Previously Identified Any proposed gas monitoring should be undertaken in accordance with best practice as outlined in BS5756:2013, BS 8485:2015, Claire RB17 and CIRIA C665. All site investigation works should be undertaken in accordance with BS10175:2011 (as stipulated in the Scope of Works report). Failure to comply with these documents could result in further delays to the discharge of contaminated land conditions.

LAND DRAINAGE TEAM: The site does not lie within an Epping Forest District Council flood risk assessment zone.

Any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent. For further information on the Land Drainage consent process or to find the application forms the applicant should visit the link below.

[http://www.eppingforestdc.gov.uk/index.php/residents/yourenvironment/drainage/flooding and land drainage](http://www.eppingforestdc.gov.uk/index.php/residents/yourenvironment/drainage/flooding%20and%20land%20drainage)

The applicant has no proposal to dispose of foul sewage. Further details are required. Please add condition SCN16 requiring approval of foul drainage details by the Local Planning Authority prior to preliminary groundworks commencing.

The applicant is proposing to dispose of surface water by sustainable drainage system/soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

PLANNING CONSIDERATIONS

The main issues for consideration in this case are:

- a) The principle of development;
- b) The impact on the Epping Forest Special Area of Conservation.
- c) The impact on the Green Belt;
- d) The impact on the character and appearance of the locality;
- e) Highway safety and parking provision;
- f) The impact to the living conditions of neighbours;
- g) Residential amenity space for future occupiers;

Principle of Development

The application site is not allocated for development in the LPSV. The site was not assessed as part of the site selection process informing the preparation of the emerging Local Plan.

Furthermore the policy team have advised us that the air quality modelling has been done on the basis of the allocated sites and limited windfall sites within the later years of the plan. So on that basis any net increase in dwellings has an impact on air quality that has not been assessed and therefore will have an increased impact beyond what has been modelled in the Council's Habitat's Regulations Assessment 2019.

Additional 'windfall' sites will be permissible under Part B of Policy SP 2, within defined settlement boundaries, where they comply with all other relevant policies of the Local Plan. This site is located within Green Belt and therefore is outside of the defined settlement boundary of urban areas. It is for this reason that there are more sequentially preferable sites within the Districts in terms of their sustainability. The proposal is therefore contrary to this policy.

Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 145 and 146 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, 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 purposes of including land within it than the existing development.

Background

Planning permission was granted by members of the East Area Planning Committee held on 15 February 2017 under reference EPF/2724/16 for the demolition and removal of the existing building, the pipework and the underground storage tanks and to erect two new dwellings in their place. The buildings would be detached and semi underground structures.

The previous case officer found that the existing building on the site has a volume of approximately 108 cubic metres. The approved two replacement dwellings which have a total above ground volume of 250 cubic metres would increase the above ground volume on the site by 142 cubic metres. This is volumetric increase of 131% of above ground built form on this Green Belt site.

Members justified this decision on the basis that whilst the volume of the development was greater than that currently on the site, the benefit of remediating the site to provide housing, along with the innovative sunken design of the bungalows was considered to clearly outweigh the harm to the openness of the Green Belt and all the other harms identified.

Refused scheme under reference EPF/2756/18

The refused scheme sought to build two houses with an above ground total volume of 942 cubic metres. This was 8 times the volume of the existing building. It also had a height which is almost the double that of the existing structure. The existing structure is 4m high to the ridge of its roof.

The redevelopment of the underground storage unit for housing would therefore intensify the built form of development within the Green Belt. This would be harmful to the open character of the site. The proposal is therefore by definition inappropriate development.

The applicant argued that further investigations of the soil found the cost of remediation was prohibitive, however, no evidence of the remedial costs were submitted with the application. Furthermore the Land Contamination team advised that if the tanks are not removed the risk associated with the tanks and the underlying infrastructure to human health, buildings, services and controlled waters will remain and as a result will pose a risk to the health of future occupiers of the site. It is for this reason that the reduction in the level of remediation diminishes very special circumstances used to justify the original smaller permission. Furthermore the removal of the 2 dimensional hardstanding did not outweigh the permanent harm resulting from the 3 dimensional houses and paraphernalia.

It is for these reasons that these arguments were insufficient to clearly outweigh the harm to the openness of the green belt and all other harms. The proposal also posed a risk to human health, buildings, services and controlled water and would result in overlooking to neighbouring properties as a result of the proposed position of the balconies.

Refused scheme under reference EPF/0189/19

The floor area was reduced from 139 sqm to 126 sqm, however the dimensions of the two houses are not materially different from that previously refused. Furthermore no viability assessment has been submitted to demonstrate that the approved scheme is unviable due to the cost of remediation and that the proposed scheme would be. The previous justification for refusal on Green Belt grounds therefore still applies in this case.

It is for these reasons that these arguments were insufficient to clearly outweigh the harm to the openness of the green belt and all other harms.

Current Scheme

The gross internal area of house 1 is 118 square metres and house 2 has a gross internal area of 116 square metres. They both have a total above ground volume of 843 cubic metres. This is over 300% more than the previously approved scheme. It is therefore inappropriate development by definition. -

It is noted that the height of the proposal does not exceed the height of the previously approved scheme and that the proposal will a large proportion of the existing hardscaping and replace it with soft landscaping. However these benefits were applied to the approved scheme and therefore this scheme does not offer additional benefits over and above that already approved. In any case the additional volume through its physical presence and the fact that it would be visible from long views around the site will result in a development which will be harmful to the openness of the site.

The proposal therefore conflicts with Green Belt policy within the NPPF, policy GB2A of the Local Plan and policy DM4 of the Submission Local Plan.

Very special circumstances

Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

The applicant has submitted a viability report which demonstrates that the approved scheme under EPF/2724/16 is unviable and that the application proposal will return a profit of 18.7%. The figures have not been verified by the Council's independent viability consultants and the financial returns of a scheme is not a public benefit and therefore does not clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

Five Year Housing Supply

Paragraph 73 (in conjunction with footnote 7 of paragraph 11d) of the NPPF requires that housing applications cannot be considered up to date if the Council cannot currently demonstrate a five-year housing supply, however this policy is overridden by footnote 6 of paragraph 11d of the NPPF which requires that the proposal should be restricted because it is contrary to Green Belt policy. This is confirmed by the National Planning Policy Guidance on Housing and economic land availability assessment which unequivocally states that a lack of a 5-year housing supply is not sufficient in its self to justify development within the Green Belt. It reads "Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt". It is therefore considered that the modest social and economic benefits arising from the creation of one house are insufficient to clearly outweigh the harm to the openness of the Green Belt and all other harms.

It is for these reasons that there are insufficient very special circumstances to clearly outweigh harm to the purposes of the Green Belt and all other harms and as such the proposal conflicts with the requirements of chapter 13 of the NPPF and Policy GB2A of the Local Plan (1998/2006) and DM4 of the Submission Version Plan 2017.

Ecology

The Habitat and Protected Species Ecology Report 2016 by Amphibian, Reptile and Mammal Conservation Limited found that "The habitat survey found that there are no habitats of ecological importance that will be adversely affected by the proposed development and which would require mitigation or compensation in order to maintain the local biodiversity resource.

The desk study highlighted several protected species (two species of bats, Badgers, Great Crested Newts and one species of reptile) as occurring in the surrounding area.

The site assessment, however, found that there is no suitable habitat present for bats to roost within any part of the proposed footprint and no evidence of Badger activity was detected on the site.

There is only one potential Great Crested Newt breeding site within 500 metres of the proposed footprint; this is located on private land at Stock Hall immediately to the south of the site. No attempt was made to access this private site as the assessment was

commissioned outside of the main spring amphibian breeding season (March – May inclusive).

Although there are no proven Great Crested Newt records from the moat, it is highly likely that it has never been surveyed for this species due to its location on private land. It is therefore recommended that a survey for this species is undertaken at the appropriate time of the year during the breeding season, subject to access consent from the landowner.”

It is therefore recommended that a condition be attached to any permission requiring further survey work be carried out. It is on this basis that the proposal complies with the requirements of policy NC4 of the Local Plan and DM1 of the SVLP.

Impact on the Epping Forest SAC

Biodiversity features within, or associated with, a Special Area of Conservation enjoy a high level of protection under UK and EU law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the Epping Forest SAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the SAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, will not harm the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and in combination). Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the Epping Forest SAC. Firstly, the increased levels of visitors using the Forest for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest, including trees and potentially the heathland habitats, from air pollution generated by increased motor vehicle usage (referred to as "air quality").

As regards visitor numbers, the adopted Interim Mitigation Strategy identifies that any additional residential development located within 6.2km of the Epping Forest SAC would be likely to have a significant effect when considered alone or in combination with other plans / projects. The application site is located over 10 km from the Epping Forest SAC.

As regards air quality, all proposals that result in additional residential development and / or employment development within the entire District would be likely to have an impact on the Epping Forest SAC when considered alone or in combination with other plans / projects.

Policies DM 2 and DM 22 of the LPSV provide the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC outlined above.

The Council commissioned a Habitats Regulations Assessment (January 2019) of the LPSV ("the 2019 HRA"), produced by AECOM, which has been published on the Council Local Plan Examination website. The 2019 HRA includes an Appropriate Assessment of the planned development within the LPSV and the effect of that development on the Epping Forest SAC. The 2019 HRA concluded that, subject to securing the urbanisation/recreational pressure and air quality mitigation measures to

which the Council, the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC.

However, following their review of the 2019 HRA, Natural England maintained their objection to the Local Plan, citing a number of specific concerns about the HRA. The Local Plan Inspector has advised that it is not currently possible to conclude beyond reasonable scientific doubt that the LPSV will not adversely affect the integrity of the SAC and has advised the Council of the actions considered necessary to resolve this.

Recreational Pressure

In respect of recreational pressure, the Local Plan Inspector has advised that the adopted Interim Mitigation Strategy will address the effects of development within 3km of the Epping Forest SAC. The Interim Mitigation Strategy requires the payment of a financial contribution of £352 for Strategic Access Management and Monitoring ("SAMM") per net additional dwelling for development within 0-3 km of the Epping Forest SAC.

The applicant site is beyond of the 3km radius around the SAC and therefore is not required to pay this contribution.

Air Quality

The Interim Mitigation Strategy referred to above does not, however, address the significant effect that all residential and employment development within the District is likely to have on the SAC with regards to air quality. There is currently no interim approach to managing air quality for the District and the Council and other partner organisations continue to work together to identify an acceptable air quality mitigation strategy.

As a consequence, and in light of the Local Plan Inspector's interim advice, the Council, as competent authority, cannot lawfully grant planning permission for any development proposals within the District that are likely to have an air pollution impact on the Epping Forest SAC, save where a site-specific appropriate assessment (AA) demonstrates that the granting permission will not have such an effect in respect of air quality.

The proposed development would result in increased vehicular movements. Air quality modelling has been done on the basis of the allocated sites and limited windfall sites within the later years of the plan. The permission for two houses approved under reference EPF/2724/16 has not been implemented. It is on this basis that any net increase in dwellings will have an impact on air quality that has not been assessed and therefore will have an increased impact beyond what has been modelled in the Council's Habitat's Regulations Assessment 2019. Given that the potential impact on the SAC is still being determined, paragraph 177 of the NPPF requires that the presumption in favour of sustainable development does not apply.

Design

The contemporary design of the houses is of good quality which will preserve the character and appearance of the area in accordance with chapter 12 of the NPPF and policy DBE 1 of the Local Plan.

Quality of resulting residential accommodation

The proposed house is of a good standard of design; provides a good standard of internal space, outlook, ventilation, and access and amenity space in accordance with

paragraph 17 of the NPPF and supplementary guidance contained within the Essex Design Guide.

Impact on neighbouring amenity

The houses have an above ground height of 4.5m and all neighbouring properties are sufficiently distant as to ensure that their living conditions will not be additionally affected over and above the approved scheme in terms of light, outlook or privacy.

Issues concerning method and times of construction can be controlled by condition.

The proposal therefore meets the requirements of policy DBE9 of the Local Plan and DM9 of the Submission Version Plan.

Land contamination

The Land Contamination Officer has advised that the site was previously used as a WW2 Military Bulk Fuel Storage Depot and 1970s Chemical Storage Depot and the presence of made ground. After reviewing the submitted information, he recommends that further land contamination conditions are required to ensure that adverse impacts on the environment and human health is minimised in accordance with the requirements of paragraphs 178 -179 of the NPPF, policy RP4 of the Local Plan and policy DM21 of the Submission Version Local Plan.

The Land Contamination Officer has advised that the site was previously used as a laundry with a gasworks in the south of the site, garage and works to the east of the site and a Brickfield to the north. After reviewing the submitted information, he recommends that a remediation strategy and verification plan will be required prior to remediation works commencing on site. Further land contamination conditions are therefore recommended. To meet the requirements of paragraphs 178 -179 of the NPPF, policy RP4 of the Local Plan and policy DM21 of the Submission Version Local Plan.

Highways

Sufficient parking provision has been made to accord with the requirements of ST6 of the Local Plan. The Highways Authority is satisfied that the access arrangements are acceptable. The proposal therefore accords with the requirements of ST4 of the Local Plan. It is for these reasons that the proposal meets the requirements of policy T1 of the SVLP.

Sustainability

The proposal will include a plant room for an air source heat pump and rainwater collection, which is incorporated into the form of the building. The materials used to construct the building with materials which have a lower Global Warming Potential (GWP) than standard materials, low energy lighting will be installed and solar PV tiles will be installed on the roof, rainwater harvesting and recycling, water saving devices, and sustainable materials. The car parking spaces would also be required to include electric charging points by condition. These energy efficient design features are proposed for this application will reduce the carbon foot print of the building in this unsustainable location. The proposal therefore complies with the requirements of DM 19 and DM20 of the SVLP.

Other matters

The Grade II listed Stock Hall is sufficiently distant to ensure that its setting will not be materially affected.

There is no material change in the impact of the proposal on the health and stability of trees, landscaping, parking and access will all remain the same.

Green Belt Balance /Conclusion

The proposal is considered to be inappropriate development in the Green Belt and in addition it will have a serious physical adverse impact on the openness of the site and on the aims and purposes of the Green Belt.

The permission for two houses approved under reference EPF/2724/16 has not been implemented. It is on this basis any net increase in dwellings will have an impact on air quality that has not been assessed and therefore will have an increased impact beyond what has been modelled in the Council's Habitat's Regulations Assessment 2019. Given that the potential impact on the SAC is still being determined, paragraph 177 of the NPPF requires that the presumption in favour of sustainable development does not apply.

No very special circumstances have been demonstrated which clearly outweigh the harm identified above. The proposal is therefore unsustainable development and as a result chapter 13 and paragraph 177 of the NPPF along with Green Belt and habitat protection policies contained within the Local Plan and SVLP require that it should be restricted. Refusal is therefore recommended.

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: Sukhi Dhadwar

Direct Line Telephone Number: 01992 564597 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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