

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 3rd February, 2021

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

Virtual Meeting on Zoom
on **Wednesday, 3rd February, 2021**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

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

Members:

Councillors P Keska (Chairman), H Brady (Vice-Chairman), B Rolfe, N Bedford, P Bolton, 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 (VIRTUAL MEETINGS)

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.

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 participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

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

1. WEBCASTING INTRODUCTION

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute 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).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

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 - 14)

To confirm the minutes of the last meeting of the Sub-Committee held on 25 November 2020.

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

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EPF/0659/20 LAND LYING TO THE SOUTH OF COPPICE ROW, THEYDON BOIS CM16 7DR (Pages 15 - 24)

To consider the attached report for the following works:

- a) Construction of a reinforced grass / concrete block spillway to the earth embankment dam;
- b) A permanent lowering of water levels in the lake, to mitigate leakage issues;
- c) Regrading the varying dam crest levels to a common datum, with construction of a gravel emergency access track along the dam crest to include geogrid reinforcement so as to form a root protection platform for construction and future maintenance vehicles; and
- d) Construction of an approx. 700m long gravel haul road through the site, for the purposes of construction access and future maintenance access to the dam.

10. PLANNING APPLICATION - EPF/2470/20 5 TYSEA HILL, STAPLEFORD ABBOTTS RM4 1JS (Pages 25 - 32)

To consider the attached report for an extension to dwelling to form a new dwelling with alteration to access for existing house (Amended application to EPF/0532/18).

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.

12. REFER SIGN (Pages 33 - 34)

If any member wants to **refer** a planning application to the District Development Management Committee (DDMC), please **hold up this refer sign** in front of your screen immediately after the vote has been taken. If at least 4 members agree/hold up their refer signs, the application will be referred to DDMC.

Alternatively, if any member wishes to **refer** a planning application to DDMC, they should propose a **motion to refer** this application immediately after the vote has been taken. The Chairman will then ask for a seconder. After a seconder has been sought, the Chairman will then ask if any other member wishes to support this resolution. If at least 4 members agree then the application will be referred to DDMC, otherwise the motion to refer will fail.

Advice to Public and Speakers at virtual meetings of 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 virtually if you are a speaker, or to view on the Council's website at <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Only in special circumstances are the public excluded.

When is the meeting?

Details of the 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 Services. 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 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 virtually.

Only registered speakers will be admitted to the virtual meeting. This will be via the Zoom meeting invite you have been emailed by Democratic Services. Speakers must NOT forward this invite to anyone else under any circumstances. Alternatively, speakers may be contacted by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

A transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to: democraticservices@eppingforestdc.gov.uk

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 <https://rds.eppingforestdc.gov.uk/mgMemberIndex.aspx?bcr=1> 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.

Area Planning Sub-Committee East 2020-21
Members of the Committee and Wards Represented:



Chairman
Cllr Keska
 Chipping Ongar,
 Greensted and
 Marden Ash

**Vice-
 Chairman**
Cllr Brady
 Passingford

Cllr Bedford
 Shelley

Cllr Bolton
 North Weald
 Bassett

Cllr Burrows
 Epping Lindsey
 and Thornwood
 Common



Cllr Hadley
 Moreton and
 Fyfield

Cllr Jones
 Theydon Bois

Cllr McCredie
 Epping
 Hemnall

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 Rolfe
 Lambourne

Cllr Stalker
 Lower Sheering

Cllr Vaz
 Chipping Ongar,
 Greensted and
 Marden Ash



Cllr C
Whitbread
 Epping Lindsey
 and Thornwood
 Common

Cllr H
Whitbread
 Epping Lindsey
 and Thornwood
 Common

Cllr J H
Whitehouse
 Epping Hemnall

Cllr J M
Whitehouse
 Epping Hemnall

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 25 November 2020
East

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.35 pm

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

Other Councillors: None.

Apologies: M McEwen and B Rolfe

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer), A Hendry (Democratic Services Officer) and S Kits (Lead Corporate Communications Officer - People)

49. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

50. 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.

51. MINUTES

RESOLVED:

That the minutes of the meeting held on 28 October 2020 be taken as read and signed by the Chairman as a correct record.

52. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor C McCredie declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of Epping Town Council's Planning and General Purposes Committee, but she not been present at the meeting this application had been

considered. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2118/20 – 91 Bower Hill, Epping CM16 7AW

53. ANY OTHER BUSINESS

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

54. 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

55. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

The Sub-Committee Members noted that, for the duration of the coronavirus pandemic, any planning applications deferred for a site visit at an Area Planning Sub-Committee would be automatically referred to the District Development Management Committee (or Council) for determination.

56. PLANNING APPLICATION - EPF/1365/20 27 BLACKACRE ROAD, THEYDON BOIS

APPLICATION No:	EPF/1365/20
SITE ADDRESS:	27 Blackacre Road Theydon Bois Epping CM16 7LT
PARISH:	Theydon Bois
WARD:	Theydon Bois
DESCRIPTION OF PROPOSAL:	Proposed two storey front, side and rear extensions. New first floor & roof structure with new windows.
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=638615

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 and retained strictly in accordance with the approved drawings numbers:TS20-194-1, TS20-194-2, TS20-194-3, TS20-194-4, TS20-194-5, 01 and 02 Rev D.
- 3 The window opening(s) in the flank elevation(s) at first floor level and above, shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Access to the flat roof over the single storey extension (Southeast corner) hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 No ground works shall take place until full details of the levels, showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of the approved development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

57. PLANNING APPLICATION - EPF/1834/20 MEADOW VIEW, LAND ADJACENT TO, BOURNEBRIDGE LANE, STAPLEFORD ABBOTTS

APPLICATION No:	EPF/1834/20
SITE ADDRESS:	Meadow View, Land Adjacent To Bournebridge Lane Stapleford Abbots RM4 1LU
PARISH:	Stapleford Abbots
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Proposed crossover.
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=640861

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 and retained strictly in accordance with the approved drawings numbers: JND/1050/10 and JND/1050/11.
- 3 Prior to first use of the proposed access by vehicular traffic, a 2m wide parallel band visibility splay, as measured from and along the nearside edge of the carriageway, across the entire site frontage shall be provided, and shall remain clear to ground level in perpetuity.
- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 5 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

58. PLANNING APPLICATION - EPF/2007/20 Highbury Cottage, 51 Coppice Row, Theydon Bois

APPLICATION No:	EPF/2007/20
SITE ADDRESS:	Highbury Cottage 51 Coppice Row Theydon Bois Epping CM16 7DL
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Kellie Holland
DESCRIPTION OF PROPOSAL:	Rear first floor infill to extend existing bedroom.
DECISION:	Deferred to DDMC

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=641773

DEFERRED

DDMC on a minority reference.

59. PLANNING APPLICATION - EPF/2118/20 91 BOWER HILL, EPPING

APPLICATION No:	EPF/2118/20
SITE ADDRESS:	91 Bower Hill Epping CM16 7AW
PARISH:	Epping
WARD:	Epping Hemnall
DESCRIPTION OF PROPOSAL:	Demolition of existing conservatory. Erection of new single storey rear extension. Conversion of existing loft space and new rear dormer window. Associated internal amendments.
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=64221

CONDITIONS

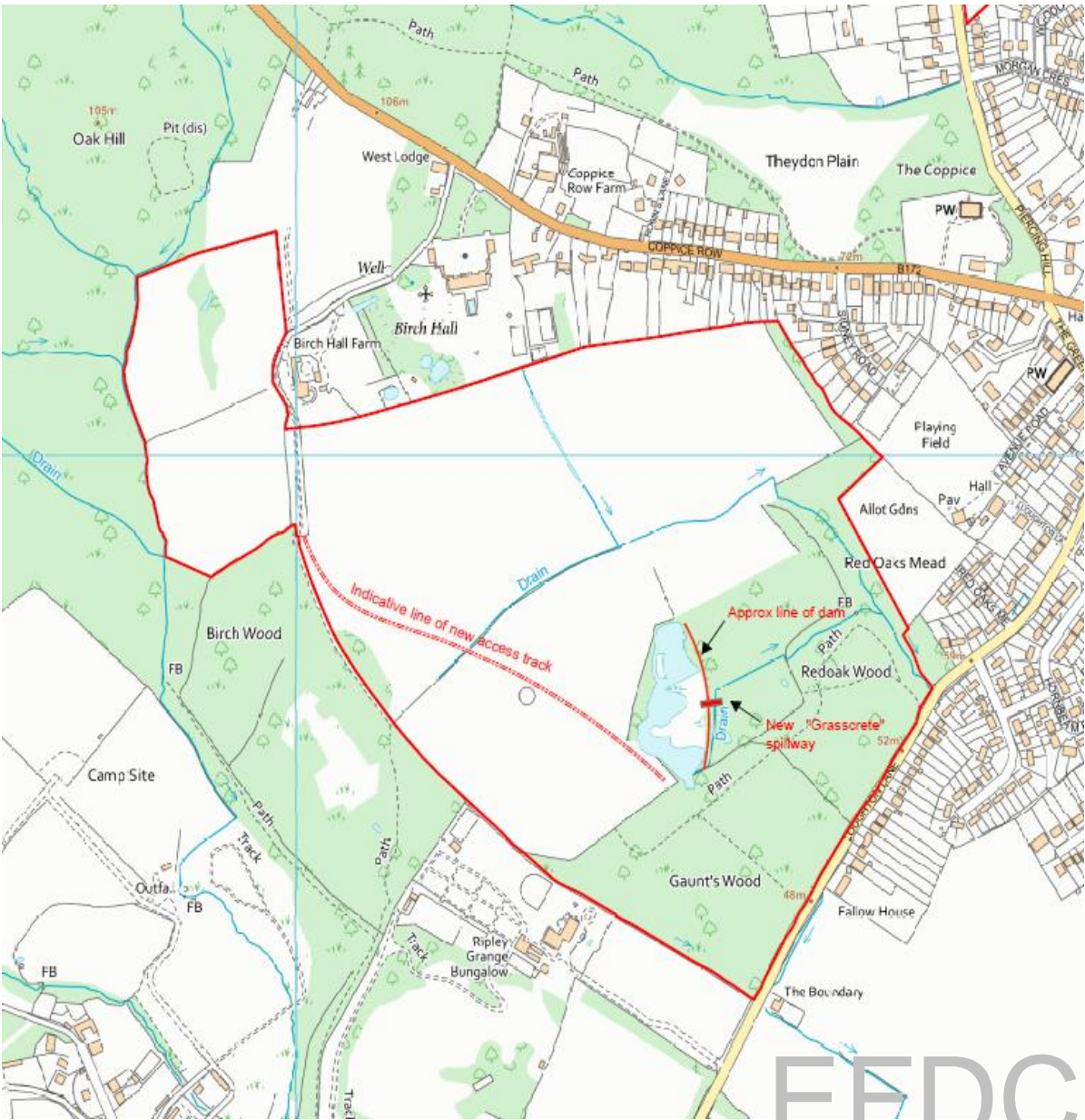
- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawing numbers: PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL101, PL102, PL103, PL104, PL105, PL106 and PL107
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The window opening in the South flank elevation of the proposed rear dormer shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

CHAIRMAN

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Epping Forest District Council



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EFDC

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Application Number:	EPF/0659/20
Site Name:	Land lying to the South of Coppice Row, Theydon Bois CM16 7DR
Scale of Plot:	1:10000

Report Item No: 9

APPLICATION No:	EPF/0659/20
SITE ADDRESS:	Land lying to the South of Coppice Row, Theydon Bois CM16 7DR
PARISH:	Theydon Bois
WARD:	Loughton St Johns Theydon Bois
APPLICANT:	The City of London Corporation
DESCRIPTION OF PROPOSAL:	a) Construction of a reinforced grass / concrete block spillway to the earth embankment dam b) A permanent lowering of water levels in the lake, to mitigate leakage issues c) Regrading the varying dam crest levels to a common datum, with construction of a gravel emergency access track along the dam crest to include geogrid reinforcement so as to form a root protection platform for construction and future maintenance vehicles. d) Construction of an approx. 700m long gravel haul road through the site, for the purposes of construction access and future maintenance access to the dam.
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=635153

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 100-82800006- 01A, 02, 03, 04A, 05, 06 and 07, and Location of Works plan 30 July 20.
- 3 Prior to the commencement of the development, details of surface water drainage and a scheme for the introduction of natural flood management measures between the dam subject of the application and the existing open watercourse abutting Loughton Lane, including measures for the clearance / regrading of the open watercourse, shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented prior to the completion of all of the works to the lake hereby approved.

- 4 Tree protection, methodology for construction adjacent to trees and Arboricultural site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as described within the submitted Tree Assessment Report prior to any machinery or vehicles accessing the Deer Sanctuary to undertake the proposed works. It shall remain in place until the completion of the project.
- 5 The access road hereby permitted shall be constructed as shown on City of London Highway Design and Construction drawing number 100-82800006-04 rev A dated Feb 2020 unless the Local Planning Authority gives its written consent to any variation.
- 6 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.
- 7 The access road hereby permitted shall be used for purposes relating to monitoring and maintenance of the land on which it is located and for no other purposes.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site lies between Coppice Row to the north and west and Loughton Lane to the east and south. The land area comprises around 45.6ha and is accessed from the north west corner by Birch Hall Farm. The site is known locally as the Deer Sanctuary or Birch Hall Park. Much of the south eastern portion of the site is heavily wooded, ground levels naturally falling towards Loughton Lane, while the remainder comprises mostly open fields. The lake subject of the main works in the application lies on the edge of the main wooded area and covers around 0.9 ha. At its closest point it is around 200m from Loughton Lane.

The site lies within the Green Belt, and much of the wooded area to the south and east is covered by area Tree Preservation Orders.

Description of Proposal:

The application seeks approval to works in relation to the current and future maintenance of the lake. The works comprise:

- a. Construction of a reinforced grass / concrete block spillway to the earth embankment dam
- b. A permanent lowering of water levels in the lake, to mitigate leakage issues

- c. Regrading the varying dam crest levels to a common datum, with construction of a gravel emergency access track along the dam crest to include geogrid reinforcement so as to form a root protection platform for construction and future maintenance vehicles.
- d. Construction of an approx. 700m long gravel haul road through the site, for the purposes of construction access and future maintenance access to the dam.

The works all relate to improving the function of the lake as an attenuation for flooding in the adjacent drainage channels into which the lake drains. The lake is not a natural feature and the dam to it has been found to have eroded over time, likely due to the impact on tree roots and natural erosion from water topping the dam crest during periods when the outfall pipe has been unable to cope with the volume of water. The works are designed to:

- Providing a weir and spillway of sufficient width to protect against water levels rising above the dam crest level and overtopping
- Setting the new weir level below the level of previous dam leakage
- Rationalising the dam crest to a common value to provide a consistent safeguard against overtopping along the full length of the dam

The proposed access road is intended to serve the lake. Its route has been designed to minimise disruption to trees and flora on the site. At present, access to the lake is across existing tracks through the field, and access is therefore weather and ground condition dependent. The applicants comment that the absence of a dedicated access impacts their ability to respond to emergency flood risk associated with the lake.

Relevant History:

None

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:

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
HC12	Development affecting the setting of Listed Buildings
RP5A	Adverse environmental impacts
U2A	Development in Flood Risk Areas
U3A	Catchment effects
U3B	Sustainable drainage systems
DBE2	Effect on neighbouring areas
DBE9	Loss of Amenity

LL10	Adequacy of provision for landscape retention
ST2	Accessibility of development

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:

- 13 Protecting Green Belt land – paragraphs 134, 143, 144, 145, 146
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 149, 157, 163.

Epping Forest District Local Plan (Submission Version) 2017:

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)."

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
SP1 Presumption in favour of sustainable development	Significant
SP6 Green Belt and District Open Land	Some
SP7 The Natural Environment, landscape character and green infrastructure	Significant
T1 Sustainable transport choices	Significant
T2 Safeguarding of routes and facilities	Significant
DM1 Habitat protection and improving biodiversity	Significant
DM2 Epping Forest SAC and Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM7 Heritage Assets	Significant
DM9 High Quality Design	Significant
DM15 Managing and reducing flood risk	Significant
DM16 Sustainable Drainage Systems	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

Date of site visit: 12 November 2020
Number of neighbours consulted: None
Site notice posted: 23 October 2020
Responses received: No response received from neighbours.
Parish Council: Theydon Bois Parish Council have objected to the application as under:

The Planning Committee noted the proposal to undertake improvement works in relation to the dam. However, a number of concerns were raised, after it was brought to the Committee attention that the area through which the new road would be constructed may traverse two Local Wildlife Sites, and no assessment would appear to have been made as to the potential impact on these. It was questioned whether EFDC Country Care Team had been consulted and whether an assessment has been made by them.

In addition, Councillors raised concern over the extensive length of the haul road proposed, being some 600m in length, which would only partially be screened, and which would dissect this open Green Belt site, running from the eastern entrance to the Deer Sanctuary to the far west of the wider site. Whilst Paragraph 146 (b) of the NPPF, 2019 may allow for some forms of engineering works, if they preserve the openness of the Green Belt, the retention of this road, on a permanent basis, was considered to be detrimental to such openness. Since there has been no indication of requiring the construction of such a hard - core based permanent access previously, it was felt that this should be temporary and removed after construction work has been completed.

Comments have also been submitted by the Theydon Bois and District Rural Preservation Society. The response notes an ongoing consultation by the City of London over closure of the Deer Sanctuary. The Society also raise concerns at the permanent retention of the maintenance access road, suggesting this should be temporary for construction due to its potential impact on the Green Belt and EFSAC, and its impact on the landscape character and appearance of the land.

Main Issues and Considerations:

The site lies within the Green Belt and the impact of development on the character of the surrounding area is the primary issue. It appears from the representations that the main concern is the provision of the access road and the implications thereof.

National policy finds that most development within the Green Belt is inappropriate, unless very special circumstances override such conditions, or where the works meet the list of exceptions set out at paragraph 146 of the NPPF. Paragraph 146 b refers specifically to engineering operations but is not prescriptive as to what this may constitute.

Information contained in the applicant's drainage statement has been assessed and the site has been visited by the Council's Environmental Protection and Drainage Team. The works to the lake are recognised as being necessary to remedy changes that have occurred naturally as a result of increasing natural damage to the surrounds from water overspill and resultant erosion. The overspill may increase in coming years as a result of climate change and from continued lack of maintenance, potentially increasing flood risk to the south and east on lower ground through which the land otherwise drains. As such, officers are satisfied that the works to the lake constitute reasonably required engineering works consistent with paragraph 146b.

This then raises the issue of how the area is accessed for future maintenance and in an emergency. The dam is required to be inspected twice a year and routine repairs are

undertaken. Access is often hampered by ground conditions, much of the area is clay which becomes difficult to cross during extended wet periods. Increased understanding of the impact of flood risk to downstream areas (in this case Loughton Lane and environs) suggests that the likelihood of emergency situations including the need to bring in pumping equipment at times of very high risk are likely to increase. Accordingly, there is a strong case for retaining the access on a permanent basis.

The access road proposed measures around 700m from the end of the existing track to the north end of the lake. Members will note the route is not the most direct, which would measure around 470m. However, the route has been devised following a detailed tree study to avoid the extended rooting areas of the veteran and mature oaks on the land. The route passes across open fields, away from protected woodlands to the west and utilises a bridge over an existing drainage ditch bisecting the land. The route is recognised as the least disruptive to the site taking account of the existing habitat and wildlife interests and the wider natural environment and landscape.

In considering whether the access road has an impact on the wider Green Belt, it should be noted that following the existing contours means there are no raised elements or kerbs required that may increase the visual prominence of the route to an unacceptable degree. This ensures that the works have a limited visual impact and provide little disruption to the general open aspect of the Green Belt at this point. A condition is recommended if

In terms of the broader landscape impact, the works to the lake will result in the loss of nine trees, 5 of which are in poor physical or structural condition. The works take place within a densely wooded part of the site where the loss has limited impact on the overall character of the space, in a location not readily visible from any public place. Thus, subject to appropriate conditions, the overall impact on the tree environment is minimal.

The Parish Council raise concerns at potential wildlife areas. It is noted that the land includes areas of pasture which are separately identified by natural divisions within, a public right of way and a drainage channel. The function of the pasture land is not affected by the works.

The local amenity society objection raises concerns at the impact on the EFSAC. The lake requires ongoing maintenance through arising from regular inspections and potential emergency works, and access is currently unrestricted other than by ground conditions. Nothing in the application suggests that additional vehicle movements will be required for these purposes as a result of providing a permanent surface.

Conclusion:

Officers are satisfied that the primary works amount to engineering operations which the NPPF considers to be not inappropriate in general terms. The works to the lake arise from natural erosion caused by years of water penetration into the dam boundaries, issues which will only get worse with climate change if not adequately treated. Such works require regular monitoring and maintenance and access to the lake is an integral part of this. As such, a case of very special circumstances is also established. Notwithstanding, the works have a minimal impact on the openness of the Green Belt.

Safeguards are in place in identifying the route of the access to protect established trees on the site hence the additional length over a more direct route across the site. Trees to be lost across the whole scheme are as a result kept to a minimum.

The proposal therefore complies 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 meeting at the latest:

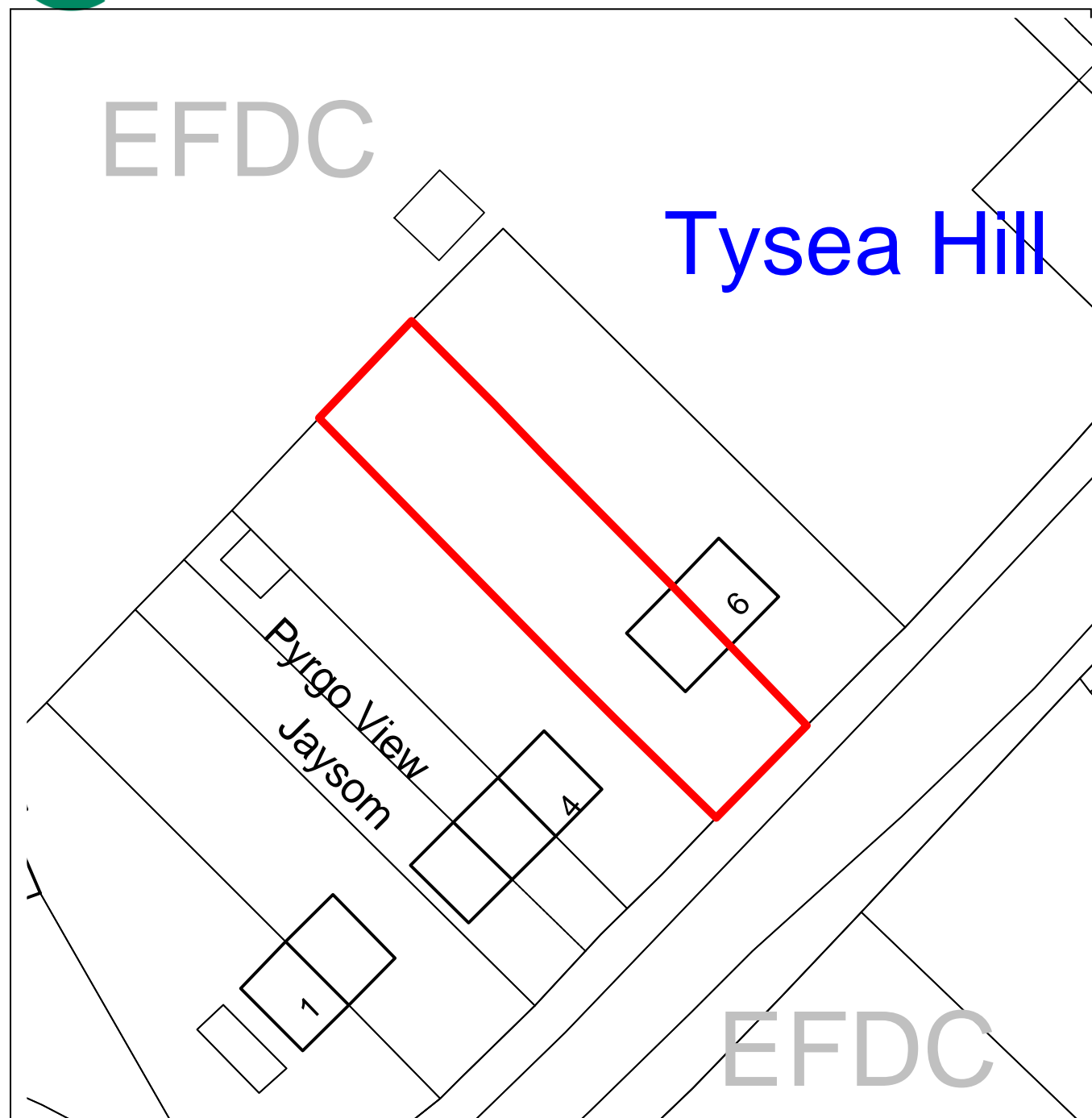
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

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Epping Forest District Council



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Application Number:	EPF/2470/20
Site Name:	5 Tysea Hill Stapleford Abbots ROMFORD RM4 1JS
Scale of Plot:	1:5000

Report Item No: 10

APPLICATION No:	EPF/2470/20
SITE ADDRESS:	5 Tysea Hill Stapleford Abbotts ROMFORD RM4 1JS
PARISH:	Stapleford Abbotts
WARD:	Passingford
APPLICANT:	Ms W Ward
DESCRIPTION OF PROPOSAL:	Extension to dwelling to form a new dwelling with alteration to access for existing house (Amended application to EPF/0532/18).
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=643873

CONDITIONS & REASONS or REASON FOR REFUSAL

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2018-116-001, 2018-116-002 Rev A, 2018-116-020 and 2018-116-021.
- 3 No development shall commence above slab level until documentary and photographic details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 The window(s) in the flank elevation(s) shall be entirely fitted with obscured glazing with a minimum privacy Level 3 obscurity and no part of that/those window[s] that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

- 7 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 10 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development generally permitted by virtue of Classes A, B and E of Part 1 of schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.
- 12 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises the rear/side garden of 5 Tysea Hill, located within a built-up area of Stapleford Abbots. It is not listed nor in a conservation area, although it is within the Green Belt.

Proposal

The proposal is to renew the extant permission EPF/0532/18 (which expires on the 19th April 2021) along with the following amendments;

- 2m single storey rear extension;
- Wider first floor rear Juliet Balcony;
- x 2 first floor side windows & x 1 ground floor side window and door; and
- Front porch infill; and
- Altered garden layout.

Whilst the Garden Room has been raised by the Parish Council, for clarity, this is not subject to this application.

Relevant Planning History

EPF/0532/18 - Extension to dwelling to form a new dwelling with alteration to access for existing house - Approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
GB2A	Development in the Green Belt
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention

LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2019 (Framework)

The Framework 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:

Paragraph	108 - 110
Paragraph	117
Paragraph	124, 127
Paragraphs	133, 143 - 145
Paragraph	175

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th 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 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

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
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 Wastewater and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Significant

Summary of Representations

Number of neighbours Consulted: 5. 1 response(s) received
Site Notice posted: Yes.

4 TYSEA HILL – Objections – Summarised as;

- Overlooking;
- Not in keeping; and
- Loss of light to kitchen.

STAPLEFORD ABBOTTS PARISH COUNCIL – Objection – We are concerned that the 2m extension is encroaching on the neighbours. As it is, it has not been approved and is 2m further out than the other houses. It is not in keeping with the surrounding environment.

Will it affect the side window on the existing extension, and therefore light to the existing hours? Is the head height clearance in the loft sufficient for safety? Are the side windows and balcony encroaching on neighbours privacy? Some neighbours have remarked that their houses are being overlooked.

We would add that the existing building at the bottom of the garden at 5 Tysea Hill is 11m x 2.5m, so we would question overdevelopment of the site.

Planning Considerations

This application seeks to renew the extant permission EPF/0532/18 along with amendments to the scheme. This report will assess the additional impact of the amendments only in terms of any additional impact on the character and appearance of the area and impact on the living conditions of neighbouring amenities.

Character and Appearance

Permitted development rights are still intact under EPF/0532/18, so the applicant can build the proposed 2m extension, however in reality it would mean that the main house would have to be constructed fully and the applicant would have to move in, then build the 2m extension under permitted development. To avoid this lengthy process the applicant wishes to merge this benefit together with the extant permission, so it can all be constructed in one go rather than a piecemeal approach.

The proposed 2m extension along with the proposed amendments is acceptable and would complement and enhance the appearance of the host house. Contrary to the representations received it would not have a harmful effect on the character and appearance of the area.

Therefore, the proposed development, would comply with policies CP2, CP7 and DBE1 of the adopted Local Plan 1998 & 2006, and policy DM9 of the Local Plan Submission Version 2017, and paragraphs 124 & 127 of the Framework 2019.

Living Conditions of Neighbouring Properties

The flank windows would be conditioned to be obscured glazed so there would be no overlooking or loss of privacy to neighbouring amenities. The Juliet Balcony has already been approved and views would be no different than that through a rear window, so this element will have no additional impact to adjoining occupiers.

Furthermore, the proposed 2m extension whilst it protrudes past the rear building line of No. 4, it is set away from the common boundary by approx. 900mm and is of a limited height and depth to have any significant harmful impact to No. 4 in terms of overbearing and visual impact. The proposed dwelling is northwest facing so there would be no loss of light to No. 4.

Accordingly, the proposed development safeguards the living conditions of adjoining occupiers, in accordance with policies CP7, DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

Other Considerations

As there is an extant permission, there would be no additional impact to the Epping Forest Special Area of Conservation, in terms of increased recreational pressure and air quality.

The principle of the development in the Green Belt has already been established, and the amendments would still represent limited infilling within the village of Stapleford Abbots, so there are no Green Belt issues.

Conclusion

For the reasons set out above having regard to all the matters raised, 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 day of the meeting at the latest:

Planning Application Case Officer: Muhammad Rahman

Direct Line Telephone Number: 01992 564415

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



REFER



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