

Committee Agenda



Epping Forest District Council

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

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/2600/19 LAMBOURNE END OUTDOOR CENTRE, MANOR ROAD, LAMBOURNE, ROMFORD RM4 1NB (Pages 15 - 22)

To consider the attached report for the retention of a single storey three-sided wooden field shelter and overshoot netting structure.

10. PLANNING APPLICATION - EPF/0524/20 HIGH HOUSE FARM, STAPLEFORD ROAD, STAPLEFORD ABBOTTS, ROMFORD RM4 1EJ (Pages 23 - 38)

To consider the attached report on the construction of x20 no. new dwellings with associated infrastructure, parking, public open space and landscaping.

11. PLANNING APPLICATION - EPF/1656/20 MALTINGS FARM, CHURCH ROAD, MORETON, ONGAR CM5 0JY (Pages 39 - 48)

To consider the attached report for the reserved matters application to EPF/0181/18 for the removal of outbuildings and the existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works.

12. 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.

13. REFER SIGN (Pages 49 - 50)

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 East	Date:	3 February 2021
Place:	Virtual Meeting on Zoom	Time:	7.00 - 7.59 pm
Members Present:	P Keska (Chairman), H Brady (Vice-Chairman), N Bedford, P Bolton, L Burrows, I Hadley, S Jones, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse		
Apologies:	B Rolfe, C McCredie and M McEwen		
Officers Present:	J Godden (Heritage, Enforcement & Landscaping Team Manager), A Marx (Development Manager Service Manager (Planning)), J Leither (Democratic Services Officer), L Kirman (Democratic Services Officer) and N Cole (Corporate Communications Officer)		

60. 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.

61. 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.

62. MINUTES

RESOLVED:

That the minutes of the meeting held on 25 November 2020 be taken as read and signed by the Chairman as a correct record.

63. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor S Jones declared a non-pecuniary interest in the following item of the agenda by virtue of her residence backing onto the Deer Sanctuary. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0659/20 – Land lying to the south of Coppice Row, Theydon Bois CM16 7DR

64. ANY OTHER BUSINESS

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

65. 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

66. 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.

67. PLANNING APPLICATION - EPF/0659/20 LAND LYING TO THE SOUTH OF COPPICE ROW, THEYDON BOIS CM16 7DR

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
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.
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.

68. PLANNING APPLICATION - EPF/2470/20 5 TYSEA HILL, STAPLEFORD ABBOTTS RM4 1JS

APPLICATION No:	EPF/2470/20
SITE ADDRESS:	5 Tysea Hill Stapleford Abbotts ROMFORD RM4 1JS

PARISH:	Stapleford Abbotts
WARD:	Passingford
DESCRIPTION OF PROPOSAL:	Extension to dwelling to form a new dwelling with alteration to access for existing house (Amended application to EPF/0532/18).
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

- 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 building hereby permitted shall not be occupied until the window(s) in the flank elevation(s) have been 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.

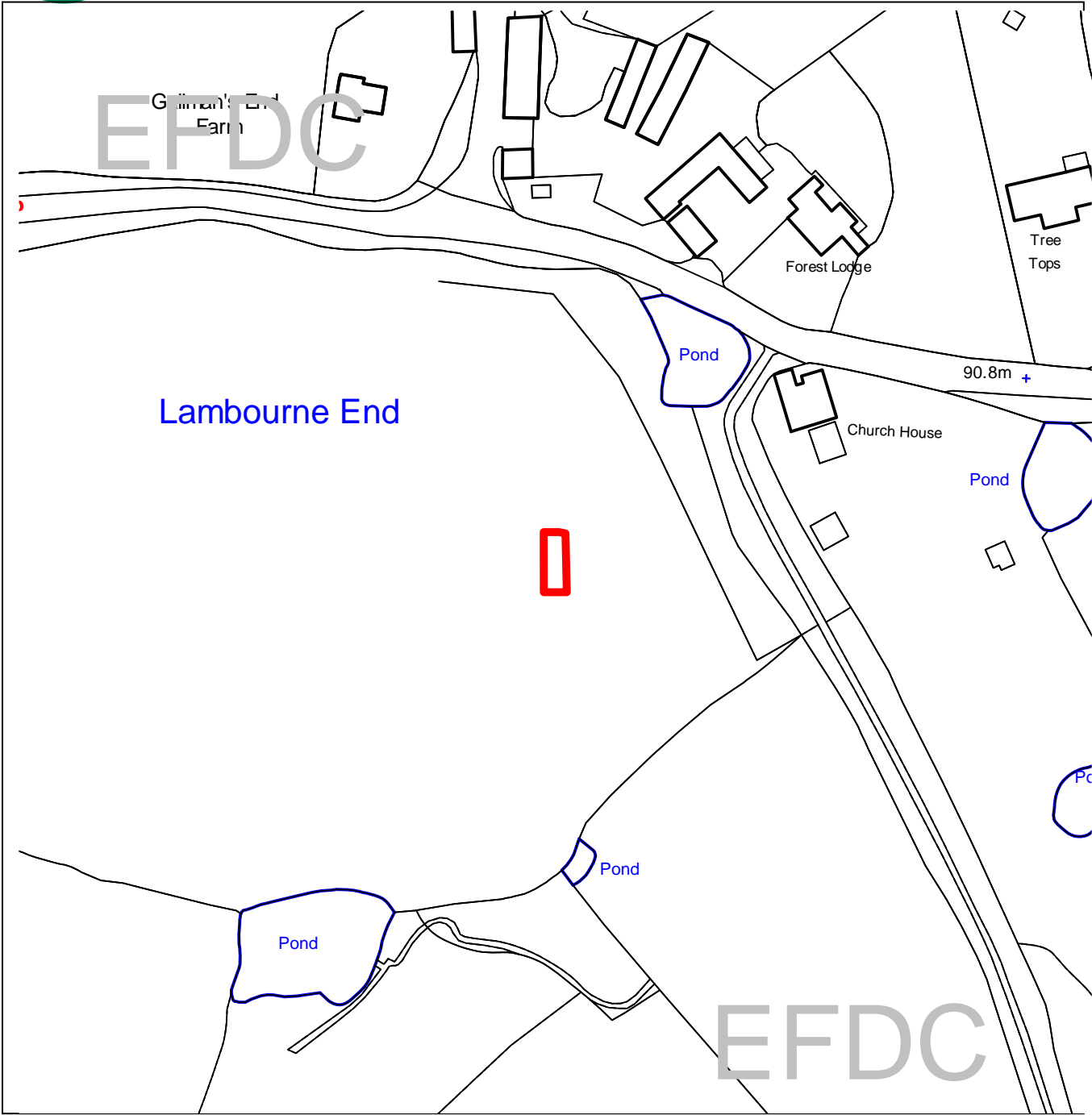
- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 10 No deliveries, 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.

CHAIRMAN

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Epping Forest District Council



<p>Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p> <p>Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534</p> <p>Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013</p>	Application Number:	EPF/2600/19
	Site Name:	Lambourne End Outdoor Centre Manor Road Lambourne Romford RM4 1NB
	Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/2600/19
SITE ADDRESS:	Lambourne End Outdoor Centre Manor Road Lambourne Romford RM4 1NB
PARISH:	Lambourne
WARD:	Lambourne
APPLICANT:	Mr Rob Gayler
DESCRIPTION OF PROPOSAL:	Retention of a single storey three-sided wooden field shelter and overshoot netting structure.
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=629814

CONDITIONS

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Post Set out Sketch, Location Plan, Open Fronted Field Shelter with animal feed storage, Field Shelter Netting Plan, Location Plan for Netting, email sent Wed 10/02/2021 12:14 from Rob Gaylor CEO of Lambourne End Centre.
- 2 No permission is given for the shelter hereby approved to be used for the sheltering of animals or for the storage of animal feed.
- 3 Unless otherwise agreed in advance and in writing by the Local Planning Authority, the area designated for archery shall only be used for supplementary animal grazing between the months of February and March or September and November and when the archery facility is not in use. During the months February and March or September and November, when the animals are using the field, an electric fence shall be installed around the field shelter.
- 4 No more than 14 people (plus staff) shall be participating in archery at any one time on the site.
- 5 The development hereby permitted shall be used for activities related to archery and animal grazing only and shall be used for no other purpose.

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)).

Description of Site:

The application site has an area of 88.32 square meters which is covered in grassland and a metal and chicken wire fence marks its perimeter. It forms part of the wider 54-acre Lambourne End Outdoor Leisure Centre site. The main buildings are located further south west of this application site.

The authorised use of the site is as an outdoor activity centre which also runs educational and support programmes for the young people including those with special educational needs and disabilities.

The site is located within Green Belt.

Description of Proposal:

Retrospective permission is sought for the erection of a single storey three-sided wooden field shelter. It measures 18.5m long by 4.8m deep and has a maximum height of 2.5m to the ridge of its monoslope roof.

Materials include 4x4 timber posts, clad in 6-inch feather board and painted sage green for the walls and additional cladding at each end of the shelter. It is proposed to be used as a shelter for people when taking part in archery sessions many of whom have special educational needs and disabilities.

1 solar light for each cupboard has been installed.

The overshoot netting consists of a ballistic netting support frame 30m long by 4m high from 48mm standard scaffolding to carry archery ballistic netting augmenting. These sizings are in accordance with Archery GB recommended overshoot distancing. It will be used to catch misdirected arrows

Relevant History:

Reference	Description	Decision
ONG/0007/51	PROPOSED CAMP & RECREATIONAL SITE	Granted
EPO/0342/59	GYMNASIUM	Granted
EPF/1058/81	Clubhouse extension.	Granted
EPF/1469/85	Single storey rear extension.	Granted
EPF/1272/84	Construction of single storey building as radio station and erection of 30m. high radio mast.	Refuse permission
EPF/0188/86 and EPF/0188A/86	Warden's accommodation	Granted
EPF/1000/98	Erection of new barn, provision of disabled access and paths, and erection of animal fences and enclosures.	Granted
EPF/1730/98	Agricultural barn for the winter housing of animals.	Refuse permission

The erection of a building of the size proposed in this area of open countryside would detract from the character of the area and would intrude into the landscape contrary to the provisions of Policy LL2 of the Adopted Local Plan.		
EPF/0425/00	Conversion and extensions of existing buildings to provide 4 No. staff accommodation units, additional office space and kitchen/dining facilities.	Granted
EPF/2317/08	Construction of a multi-face climbing wall utilising existing metal tower.	Granted
EPF/0005/10	Installation of solar water heating system.	Granted
EPF/0699/14	Extension to one of the one-bedroom bungalows on site to provide one additional bedroom and some storage space, in connection with use of site as childrens outdoor centre	Granted

DEVELOPMENT 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
GB2A	Development in the Green Belt
GB7A	Conspicuous development
NC1	SPA's, SAC's and SSSI's
NC4	Protection of established habitat
RP4	Contaminated land
U3B	Sustainable drainage systems
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention
LL11	Landscaping schemes
ST4	Road safety
ST6	Vehicle parking

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

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 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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her 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
SP6 - Green Belt and District Open Land	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	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
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	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: 5
Site notice posted: No, not required
Responses received as follows: -

CHURCH HOUSE LODGE MANOR ROAD, FOREST LODGE MANOR ROAD – OBJECT:

Built without permission

Field has not been used for grazing

Should be relocated away from residential properties

Inappropriate in the Green Belt

Noise, smell and vermin nuisance

Harm to the wider landscape

Loss of view

Designated recreational use not farming.

Unsustainable location

Mixing children playing archery and cattle is a health and safety risk.

PARISH COUNCIL – OBJECTION: On the grounds of the positioning of the shelter and the intended use of cattle.

As a way forward the Council suggests the shelter be moved to the opposite end of the field away from local residents.

The applicant has agreed that he would be happy to abide by a condition not allowing it to be used for cattle and as reported by Cllr J Filby, not as a feed store and would put an electric fence around the shelter whenever animals were in the field.

Main Issues and Considerations:

Green Belt

The NPPF confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate, except in a limited number of circumstances. One of the exceptions listed in paragraph 45(b) of the NPPF and Policy DM4 (c) (ii) of the LPSV lists development that could not be inappropriate as development for the purposes of outdoor recreation or associated essential small-scale buildings; and other uses which preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

Archery is a sport which can only be played in open country locations. The shelter and associated paraphernalia as constructed, facilitates the use of this area for archery. This activity is consistent with the lawful use of the site, as an outdoor recreational and educational facility.

The built structures are of a reasonable size to carry out the activities they are intended for and are of a type one would expect within a countryside setting. Furthermore, trees around the boundaries of the wider site, screen it from long views. The development therefore meets the requirements of the exceptions listed in paragraph 145 (b) of the NPPF in that it promotes the use of the site for outdoor recreation and sports whilst causing only the minimum necessary harm to the openness of the site and as such is not inappropriate development and will preserve the openness of this site within the Green Belt in accordance with the requirements of the NPPG on Green Belt (July 2019), chapter 13 of the NPPF and GB2A of the adopted Local Plan, DM 3 and DM4 of the Submission Version Local Plan.

Whilst it is noted that objectors raise the decision to refuse planning permission under reference EPF/1730/98 for an agricultural barn as material consideration. However, since this decision was made on the basis of the requirements of PPG 2 which has now been superseded by paragraph 145 of the NPPF 2019, this decision is no longer material to the determination of this application.

Impact on neighbouring residential amenity.

The original application indicated that the application shelter was for used as a shelter for grazing animals, and for people when taking part in archery sessions.

The applicant advises the following:-

- The whole field has been fenced off including the overshoot.
- We only plan to use the archery shelter as a shelter for people taking part in an archery session and for the storage of the equipment.
- This is not a noisy session and we have been using the shelter for this purpose for the last year without any complaints.
- We do not need to and will not use the shelter for the storage of animal feed.
- We do not intend to allow any animals to use it as a shelter as it would render it unusable for its purpose.
- We will at certain times of the year, autumn and spring, graze some animals in the field as part of good wildlife meadow management, but this will not be during late spring and summer when the archery shelter will be in constant use and we are growing the grass long for a crop of hay, or in the winter when the field is too wet and many of our animals are brought inside.
- Even when animals are grazing the field, they will not have access to the shooting range end and the shelter as livestock will churn up the shooting area and damage the shelter.
- If we are unable to use this field for archery, we would have to re-site our archery range to a different field on site and use this field for the permanent grazing of livestock.

During the planning officers unannounced site visit the shelter was found to be clean, with a bench running along its internal length and storage areas in each end, it therefore appears to be used as a sitting area and storage area for sports equipment.

The nearest residential property (Church House) is approximately 50m away from the shelter. Whilst it is acknowledged that the field can currently lawfully be used for animal grazing, the use of the shelter for animal protection would intensify an unneighbourly use, it is therefore recommended in line with the Parish Council's comments that a condition should be attached to any permission requiring that the shelter should not be used for the protection of animals and the storage of animal feed.

This would then prevent it being used for activities which would be harmful to the amenity of this neighbour as a result of adverse smells and nuisance. It is on this basis that the development complies with the requirements of policy DBE 2 and DBE 9 of the adopted Local Plan.

Parking and Access

The development has not had a significant additional adverse impact on highway safety or parking provision within the site. It therefore complies with the requirements of policy ST4 and ST6 of the Local Plan.

Design

The timber form, proportionate scale and single storey height is respectful of the countryside location of the site in accordance with DBE4 of the Local Plan.

Epping Forest SAC

The proposal relates to an operational development on land already being used for outdoor recreational purposes therefore mitigation against the harmful impacts of the proposal on the integrity of the EFSAC is not required in accordance with NC1 of the Local Plan along with DM2 and DM22 of the SVLP.

Conclusion:

This development is appropriate development within the Green Belt. Subject to further conditions controlling the use of the building so that it is not used for the welfare of animals, it will not have an adverse impact on neighbouring residential amenity.

Permitting this development will also provide social, physical and psychological benefits for the users of the site.

The proposal therefore complies with relevant planning policy and as such it is recommended that planning permission be granted.

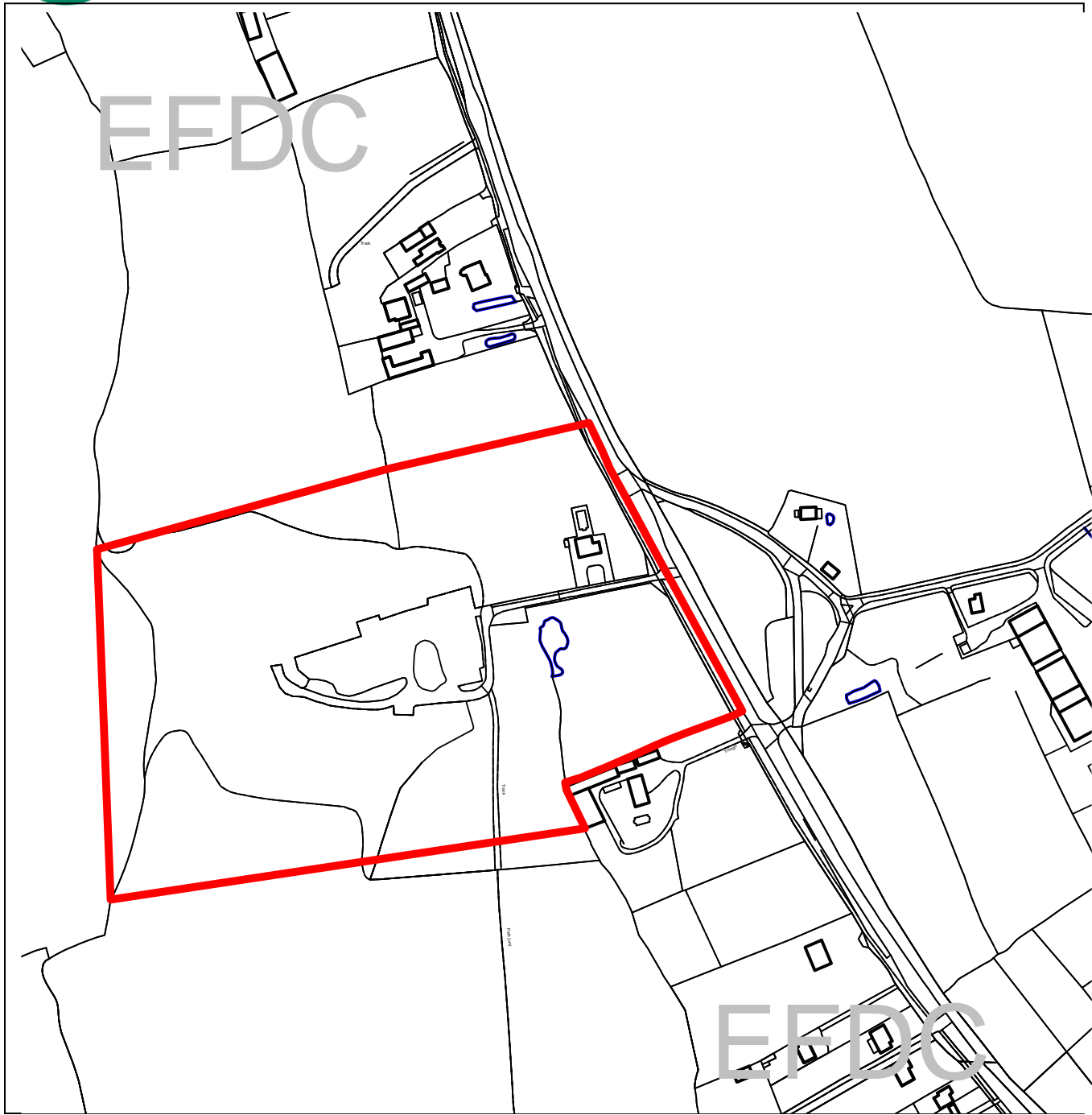
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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



Epping Forest District Council



<p>Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p> <p>Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534</p> <p>Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013</p>	Application Number:	EPF/0524/20
	Site Name:	High House Farm Stapleford Road Stapleford Abbotts Romford RM4 1EJ
	Scale of Plot:	1:4050

Report Item No: 10

APPLICATION No:	EPF/0524/20
SITE ADDRESS:	High House Farm Stapleford Road Stapleford Abbots Romford RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Fountain
DESCRIPTION OF PROPOSAL:	Construction of x20 no. new dwellings with associated infrastructure, parking, public open space & landscaping.
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=634397

REASON FOR REFUSAL

- 1 The proposed development, by reason of its overall built footprint, scale, bulk and massing would cause substantial harm to the openness, character and appearance on the Green Belt in this location. As such, the proposal constitutes inappropriate development in the Green Belt within the context of the NPPF (2019), which should not be approved except in very special circumstances, Notwithstanding the site's planning history, the potential harm by reason of inappropriateness, the substantial harm to the openness, character and appearance of the Green Belt in this location, and the other identified harm resulting from the proposal is not clearly outweighed by other considerations. Accordingly, as very special circumstances have not been demonstrated, the proposed development would be contrary to national Green Belt policy in the NPPF (2019), policies GB2A (Development in the Green Belt) and GB7A (Conspicuous Development) of the adopted Local Plan 1998 and Alterations 2006, and policy DM4 (Green Belt) of the Local Plan Submission Version 2017.
- 2 The proposed development lies outside of the established settlement of Stapleford Abbots and is thereby not in a sustainable location in the context of the sequential approach to site selection established by policy SP2 of the Local Plan Submission Version 2017 and the NPPF. Development in such a location is not required to meet the development needs of the settlement as set out in Policy P12 of the Local Plan Submission Version 2017, and thereby emphasises the inappropriate character of the development in the Green Belt as set out above.
- 3 In the absence of a completed legal agreement, the development fails to provide adequate mechanism for the delivery of affordable housing, provision of funding for a parish room, provision of electric bicycles and provision of high speed broad band connections which are reasonably and properly required to support the development. as such the development would be contrary to policies H2, D1, D2, D3 and D4 of the Local Plan Submission Version 2017 and the NPPF.

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. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

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)), and in light of previous decision by Members.

Description of Site:

The application site lies to the west side of Stapleford Road. The whole site comprises around 9.97 ha and is served by a single vehicle access point. Within this area, two areas are proposed for development. The smaller parcel lies abutting the road on the north side of the access, and comprises the historic curtilage of the farmhouse (around 0.3ha), a detached two storey building and its garden – largely overgrown at the rear and containing a disused open swimming pool; much of the frontage is hard surfaced.

The larger parcel lies to the west around 125m from the road comprises around 1.2ha. This includes land formerly containing the agricultural and later industrial buildings on the site. All buildings in this area have been demolished, other than a limited array of structures relating to services on the land. Much of the hard surfacing remains in situ, and a large pile of building rubble over 4m high lies in the centre of the site.

The site lies wholly within the Green Belt to the north of the main settlement at Stapleford Abbots. A ribbon of frontage development extends along much of the west side of Stapleford Road, broken by open parcels such that there is not a continuous frontage such that the application site is physically separated from the nearest residential plots; Woodlands Farm around 100m south of the site access comprises a chalet bungalow set 70 metres back from the road with a permission granted in 2019 for replacement of outbuildings to the north and west with 9 dwellings. Nearest properties to the north are around 150m distant and comprise a former farm sub-divided into a number of residential curtilages.

The surrounding land is open and includes a mix of worked farmland and fallow ground. To the east side of Stapleford Road at this point, little frontage built development exists. A public right of way crosses north – south along the eastern edge of the larger parcel and links into other routes in the vicinity.

Description of Proposal:

The application amends the scheme refused by Committee in 2019.

The development comprises 20 residential units, 5 of which are designated as affordable units. On the smaller parcel at the front of the site are 6 units – 2 x 2 bed and 1 x 3 bed open market houses and three affordable units comprising 1 x 3 bed house and 2 x 1 bed flats. On the rear site are 14 houses – 2 x 2 bed affordable houses and 12 open market houses comprising 7 x 3 bed and 5 x 4 bed. All units are provided with private gardens and off street parking comprising garaging and surface spaces. Houses are a mix of detached and semi-detached and built in a variety of architectural styles, all of which are two storey with pitched roofs. Materials are a mix of predominantly weatherboard cladding, brick and render, and tiles roofs.

The units on the frontage include with properties fronting the access and the affordable units served of a private access road, all buildings and the access are set a minimum of 10 metres back from the site frontage. Dwellings at the rear are set around a central green space of around 250 sq. m which also includes two visitor parking spaces.

The developed. area within the site has been reduced from the previously refused area, resulting in a reduced footprint of built development and larger gardens, the overall site area being unchanged.

The application includes a range of landscape and ecological improvements. Areas around the domestic curtilages will be screened by hedgerow and tree planting enhancements. Land to the south of the access, an area which currently includes a pond, will include provision for a Great Crested Newt Mitigation Area with access restricted. To the west, land will be restored the contamination remediation and creation of a Landscape and Ecological Enhancement Area with opportunities for public access from the existing public footpath network.

The application is supported by an offer of a section 106 agreement which offers the following:

- Affordable housing at 25%, details of delivery through an appropriate provider to be agreed,
- Contribution of £120,000 to provision of a parish room for Stapleford Abbots Parish Council, location yet to be determined,
- Provision of public access, maintenance and extension of the Public Right of Way networks within 30 acres of land adjoining and surrounding the application site on a 999 year lease,
- Provision of electric bikes for residents
- Contributions towards mitigating impact on the EFSAC of £352 per dwelling for recreational impact and £335 per dwelling for air quality mitigation.
- Provision of high speed broadband connection to all dwellings.

Relevant History:

EPF/1374/06 Outline application for the demolition of agricultural /industrial complex and the erection of 6 new dwellings and 1 replacement dwelling approved.

EPF/2565/07 Reserved matters application for the erection of 6 new dwellings, 1 replacement dwelling and a parish room – details approved.

A number of applications dealing with discharge of conditions in relation to the above approvals were dealt with

- EPF/0604/14 Redevelopment to erect a total of eight dwellings, inclusive of a replacement farmhouse, a parish room, plus an associated access, provision of garaging and car parking – approved.
- EPF/2708/18 Redevelopment comprising 27 dwellings (including 7 affordable) with associated infrastructure, parking, public open space and landscaping – refused on over concentration of affordable units at the front of the site, impact on Green Belt and impact on EFSAC.

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
- CP3 New Development
- CP4 Energy Conservation
- CP5 Sustainable Building
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- GB2A Development in the Green Belt
- GB7A Conspicuous Development
- GB16 Affordable Housing
- NC1 SPA's SAC's and SSSI's
- NC3 Replacement of lost habitat
- NC4 Protection of established habitat
- NC5 Promotion of nature conservation schemes
- RP4 Contaminated Land
- RP5A Adverse Environmental Impacts
- H2A Previously Developed Land
- H3A Housing Density
- H4A Dwelling Mix
- RST2 Enhance rights of way network
- U3B Sustainable Drainage Systems
- DBE1 Design of New Buildings
- DBE2 Effect on Neighbouring Properties
- DBE4 Design in the Green Belt
- DBE6 Car Parking in New Development
- DBE7 Public Open Space
- DBE8 Private Amenity Space
- DBE9 Loss of Amenity
- LL10 Adequacy of provision for landscape retention
- LL11 Landscaping Schemes
- ST1 Location of Development
- ST2 Accessibility of Development
- ST4 Road Safety

ST5 Travel Plans
ST6 Vehicle Parking

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:

- 2 Achieving sustainable development – paragraphs 7, 11
- 5 Delivering sufficient supply of homes – paragraphs 59, 64, 67, 73, 77, 78, 84
- 9 Providing sustainable transport – paragraphs 103, 108, 109, 110, 111
- 11 Making effective use of land – paragraphs 118, 122, 123
- 12 Achieving well designed places – paragraphs 124, 128, 130, 131
- 13 Protecting Green Belt land – paragraphs 134, 143, 144, 145
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 153, 155 – 165
- 15 Conserving and enhancing the natural environment – 170, 174, 175, 176, 177, 180, 181

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
SP2 Spatial Development Strategy 2011 - 2033	Significant
SP6 Green Belt and District Open Land	Some
SP7 The Natural Environment, landscape character and green infrastructure	Significant
H1 Housing mix and accommodation types	Significant
H2 Affordable housing	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
DM6 Designated and undesignated open spaces	Significant
DM9 High Quality Design	Significant
DM10 Housing design and quality	Significant
DM15 Managing and reducing flood risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM18 Onsite management of waste water and water supply	Significant
DM19 Sustainable water use	Significant
DM20 Low carbon and renewable energy	Significant

DM21	Local environmental impacts, pollution and land contamination	Significant
DM22	Air quality	Significant
P12	Coopersale, Fyfield, High Ongar, Lower Sheering, Moreton, Sheering and Stapleford Abbots	Significant
D1	Delivery of infrastructure	Significant
D2	Essential services and facilities	Significant
D3	Utilities	Significant
D4	Community, Leisure and Cultural Facilities	Significant
D5	Communications Infrastructure	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: July 2020

Number of neighbours consulted: 50

Site notice posted: 27 March 2020

Responses received: One response was received from STAPLEFORD HALL FARM in respect of traffic speeds on Stapleford Road at this point. With additional vehicle movements, the resident expresses the view that speed limits at this point should be reduced to 30mph. This would be a matter for the Highway Authority.

Parish Council: Stapleford Abbots Parish Council have advised that they have had extensive consultation with the developers on the proposal, have no objections and will fully support the application.

Main Issues and Considerations:

Preliminary considerations

In considering the application, Members must consider the grounds on which the previous application was refused in 2019. These were:

1. By concentrating the affordable housing to a discrete part of the site, thereby separating it from the market housing, the proposed development would fail to provide a mixed, balanced and appropriately integrated residential development. As such, the proposal would undermine the achievement of mixed and balanced communities within the District contrary to Policies H1 (Housing Mix and Accommodation Types) and H2 (Affordable Housing) of the Local Plan Submission Version 2017.
2. The proposed development, by reason of its overall built footprint, scale, bulk and massing would cause substantial harm to the openness, character and appearance on the Green Belt in this location. As such, the proposal constitutes inappropriate development in the Green Belt within the context of the NPPF (2019), which should not be approved except in very special circumstances. Notwithstanding the site's planning history, the potential harm by reason of inappropriateness, the substantial harm to the openness, character and appearance of the Green Belt in this location, and the other identified harm resulting from the proposal is not clearly outweighed by other considerations. Accordingly, as very special circumstances have not been demonstrated, the proposed development would be contrary to national Green Belt policy in the NPPF (2019), policies GB2A (Development in the Green Belt) and GB7A (Conspicuous Development) of the adopted Local Plan 1998 and Alterations 2006, and policy DM4 (Green Belt) of the Local Plan Submission Version 2017.

3. 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. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

Members will note that the reasons make reference to the then emerging policies of the LPSV, and advice at the time was that these policies would have carried limited weight, albeit they were consistent with other policy guidance. The application should also be reconsidered in the light of the more substantial weight that can be given to these policies now as a result of the progress through the examination process, and in the light of changes to the NPPF in the intervening period.

Site History

Historic uses on the site have contributed to the current conditions. On the larger parcel, pig farming continued for many years and later investigation has confirmed that slurry had been spread on surrounding land. Following cessation of this use, the remaining buildings were used for commercial and industrial purposes. This is known to have included a butchery and slaughterhouse, for waste transfer and as a lorry yard with a weighbridge. There is evidence of waste lagoons that were subsequently filled in. Historic aerial photographs support this; the Council's own aerial surveys from 2001 and 2007 shows extensive buildings and hard surfacing; large lorries and a range of other vehicles can be seen outside of the hard surfaced areas with areas of land clearly used by vehicles for turning and general manoeuvring.

In terms of the smaller parcel, this comprises the existing farmhouse and what amounts to its residential curtilage

Following grant of outline planning permission for residential development in 2007 and subsequent approval of reserved matters, records indicate that development was commenced. In reporting the 2014 planning application referred to above, officers state *"the approved development remains capable of implementation"* and while the reasons for coming to that view are not specified, the extent of demolition would under present interpretation be considered to constitute commencement and this must remain the Council's position.

The previous permitted schemes are also significant in the site boundaries of the development area which have taken a more rectangular form and have not taken the more linear form of the existing buildings. This resulted in a limited incursion into the land to the north and south but a significant reduction in the westward extent. The current application site broadly sits on the footprint of the 2014 application, which in turn reflects the previous proposals.

Green Belt considerations

The primary national policy considerations remain as set out in the NPPF. In light of the previous history and planning permissions, the application should primarily be considered in the context of paragraph 145 (g) of the NPPF which states:

limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Where such harm may be identified, then Members should have due regard to paragraphs 143 and 144 in respect of the consideration of any very special circumstances that may exist.

The LPSV is consistent with the NPPF, policy DM4 in particular reflecting the wording above. The site was considered as part of the Green Belt review conducted as part of the evidence base for the LPSV and did not progress as the site was outside of the identified settlement buffer zone for Stapleford Abbots. As such the site can be viewed as performing a Green Belt function that should be retained unless very special circumstances exist.

In considering the issue of whether very special circumstances may exist, these issues were addressed in considering the previous application. Most significant in this regard is the results of investigations into ground conditions on the site. There is clear evidence that the historic uses of the site have resulted in high levels of contamination both within the area proposed for development and in the immediate surroundings, both as a result of the activities carried on above ground, and from the leeching of contaminants into the surrounding ground. Investigations identified made ground in parts of the site up to 6.5m deep, but more generally across the site of at least 3m depth. The made ground is shown to contain arsenic, lead, mercury, some asbestos and sediments with high organic content from animal rearing and slaughtering activities known to have taken place. On the frontage site, the presence of a heating oil tank makes it highly probable that there are contaminants in the soil in the vicinity. Accordingly, there are significant plausible pollution linkages with the potential to cause significant harm to human health.

Remediation of such a contaminated site is in the public interest irrespective of whether the land is being bought forward for development. However, the costs would inevitably be prohibitive without some form of enabling development to fund it. The costs have been estimated in the applicants' viability assessment as being in excess of £200,000, a figure not contested by the Council's viability consultant. Accordingly, the unusually high costs in achieving the wider public benefit are material to the test of very special circumstances in terms of assessing impact on the Green Belt.

Circumstances in this regard have not changed, and Members previously determined that the harm to the Green Belt outweighed such considerations. It is necessary to reconsider whether the modifications to the proposals have reduced the impact to such a degree that the balance is now more in favour of the arguments over the very special circumstances.

In refusing the previous application, Members were concerned at the spread of development beyond the previously approved schemes, and the impact of the increased built volume. The application does seek to address this issue - the built footprint on the larger parcel has been condensed such that it is now contained within the footprint of the extant scheme (ie the buildings do not extend in any direction beyond the outer walls of the earlier scheme). This does however need to be considered in the context of the more intensive built form: the approved scheme included 7 dwellings on this parcel and the current scheme proposes 14 smaller but still substantial buildings. As a result, the development is more compact with less visual breaks between the buildings, consistent with a more urban or suburban location than a typical Green Belt location.

The development on the front parcel is significantly more intensive than the permitted scheme, replacing one large dwelling and a community building on the south side of the access with six new properties located within the broad curtilage of the existing farmhouse and the replacement approved. Located on the site frontage, a more intensive form of development may be viewed as consistent with the wider character within the settlement, but the site does lie some distance from

the settlement and some distance from the neighbouring plots. It is noted that the nearest plot to the north has been sub-divided into 3 residential plots and the extant permission on Woodlands Farm to the north includes 9 new dwellings, elements of both are set back from the road frontage. Notwithstanding landscaping proposals for the site frontage, the proposal is similarly intensive to that at the rear.

Affordable housing

The scheme proposes provision of 5 units as affordable housing separated as 3 on the front parcel and 2 at the rear, representing 25% of the development by units numbers. The application is accompanied by a viability assessment.

The previous scheme proposed all affordable units on the front parcel which Members viewed as failing to meet objectives to provide mixed and balanced communities. The alterations to the mix across the site goes some way towards addressing the issue, although it is noted that the affordable element on the frontage is distinctly separate and the two units on the rear are provided in the south east corner and have smaller gardens. This in some way reflects the requirements of social housing providers for management purposes, and a broader distribution impacts on the opportunity to provide affordable units for identified local needs. As a result, officers consider the proposal represents a reasonable compromise.

In terms of the overall level of affordable housing proposed, the issues around a fully policy compliant scheme not being viable were broadly accepted previously as the reason for refusal was specific to the distribution of the units. That application proposed 26% of units as affordable and the current proposal in effect makes a similar offer.

The applicants viability assessment argues that in light of the extraordinary costs associated with the site, the scheme is unable to deliver sufficient surplus to support additional affordable housing. The report has been reviewed by independent consultants who noted inconsistencies in the assessment in terms of adopted assumptions around the benchmarking of sales and residual land values, and adopted sales values for the proposed dwellings. For the applicants, it is pointed out that the analysis does not take account of the elements offered by way of section 106 agreement including the contribution for the parish room and the land for public open space, such that the difference in the residual value taking account of the affordable housing being offered is around £200,000.

Officers attach substantial weight to the comparison between the two schemes in terms of the overall proportion of affordable housing remaining consistent and are satisfied that the proposal in this regard meets objectives of providing such housing in a viable development.

Impact on Epping Forest Special Area of Conservation (EFSAC)

The application proposes introduction of additional vehicle activity at and in the vicinity of the site above that which currently operates. While the historic uses of the site would have generated a higher level of commercial vehicle activity, the Interim Air Quality Strategy has modelled activity during the most recent periods relevant to the obligations arising out of the Habitat Regulations when the site has been predominantly unused (other from limited activity arising from the intermittent occupation of the farmhouse).

The applicants have accepted the case that this needs to be mitigated and are prepared to make the relevant contributions set out in the Interim Strategy, specifically in respect of air quality. Therefore, if Members are minded to approve the application, the proposed s106 offer accompanying the application provides the appropriate mechanism to deliver the contribution.

If Members are minded to refuse the application, as the s106 agreement has not been secured then this reason should remain on the decision to facilitate inclusion of the provision in any future appeal should this arise.

Emergence of the LPSV

The progression of the LPSV through its examination gives much greater weight to the policies it contains than would have been the case at the time of the 2019 refusal.

Policy SP2 sets out the Spatial Development Strategy setting out how the LPSV will deliver new homes using a sequential approach to site identification. This is supported by Policy P12 which identifies sufficient sites within the existing settlement boundary that will cumulatively provide for the desired growth within Stapleford Abbots. The application site was subject to rigorous testing during the local plan process but did not proceed as other more suitable and deliverable sites were identified through the sequential approach to site selection.

The allocated sites identified by Policy SP2 and supporting policies can be expected to deliver the Council's housing targets during the plan period, together with a limited number of windfall sites not identified in the process (most likely smaller sites) not considered as part of the process. The purpose of identifying sites through this process meets obligations on the Council not only to meet overall targets can be met, but also demonstrates that a 5 year supply of housing land is available as required by the NPPF. This as a result reduces the pressure to allow development in less suitable locations, including sites within the Green Belt.

S106 offer and gains arising from the development

The development offers a number of enhancements through the offer in the section 106 heads of terms and from general landscape and ecological enhancements within and around the site. A number of s106 issues have been discussed above, but additional proposals included the provision of an area of public open space, a contribution for a parish room for Stapleford Abbots, provision of electric bicycles and delivery of high speed broadband. Such provisions are required to meet the three statutory tests of being necessary to make the development acceptable, directly related to the development and related in scale and kind to the development.

A number of issues arise from these matters:

- In terms of the provision of access to additional open space, this area includes land to the south of the access road which is the subject of ecological enhancements covered elsewhere in the application, and beyond the space identified for landscape enhancement and is currently ploughed land. Thus around 18 acres (60%) of the land would be inappropriate for such access. The site is not within an area of recognised open space deficiency, and its general remoteness from the settlement would be likely to mean if it were to be used, it is likely to attract vehicle movements. The land is offered on a 999 year lease but no provision is made for ongoing management and maintenance. As such, unless the Parish Council were prepared to take the land on (and no such intention has been indicated), officers would not see this as a positive gain beyond the works committed in the application and would be advising Members against including this in their consideration of development benefits.
- The extant permitted scheme included provision of a Parish room on the land to the south of the access. A number of reasons suggest this no longer meets local and wider requirements. It is understood that the existing parish facilities are in a poor condition and the need to replace them has increased since the original permission. The Parish have indicated that they are considering other locations more suitable than this. In addition, the ecological evidence of the presence of great crested newts and other species is more apparent now than previously, and the desirability of providing the protected habitat in the

area south of the access road is more apparent. As such the contribution can be viewed as meeting an identified need, and the provision off site is supported by the planning benefit of creating the habitat area.

- Provision of electric bicycles would be welcome subject to further discussion on the level of such provision. It should be noted however that this would be a short term gain as the legal agreement would not provide for such provision running with the dwellings, only the first occupiers.
- The broadband commitment is viewed as positive provision and would run with the land.

As a result, some aspects of the s106 agreement can be viewed as gains from the development.

In broader terms, other potential gains arise from developing the site. In this regard, consideration should be given to the condition of the site. There is agreement between the officers and the applicants that the site is in a poor condition as a result of the historic use. Large areas of hardstanding were laid in the past to a depth to accommodate heavy vehicles; other excavations to a depth of up to 3 metres can also be readily identified. The presence of extremely high levels of contaminants is recognised and there is little dispute over the broad costs of remediation. It is accepted that the previously permitted scheme would not generate sufficient income to be viable in the light of the costs associated with such development.

Arising from development, in addition to the benefits that accrue above, the proposal supports this with landscape and ecological enhancements.

The application proposes a comprehensive landscape approach, much of which lies outside the built area. On the small parcel, this includes an informal open space between the site boundary and the development, and a new native hedgerow around the west and north boundaries.

Removal of hardstanding and debris to the west and south of large parcel will allow regrading of existing banks to blend with surrounding levels and the introduction of tree planting and the introduction of new wild flower meadows.

The results provide for a significantly enhanced landscape setting to the site that removes much of the visual harm arising from the current condition of the site. Conditions would be available to protect existing trees and shrubs and to provide for future management and maintenance of new landscaping areas.

An ecology report accompanying the application recognises that the site and immediate surroundings have potential to support a range of ecological interest, including a range of fauna and flora. Evidence of bat activity and grass snake presence was identified, and a precautionary approach is called for in relation to a range of other species, including great crested newts, badgers and nesting birds.

The report recommends a number of ecological enhancements, in particular land to the south of the access road is identified as an opportunity to allow for a worst case scenario in respect of great crested newts and introduce new ponds and habitats in an appropriate environment as well as enhancing general biodiversity in this area.

Highways

The application proposes minor enhancements to the site entrance, which it should be noted has been designed previously for access for commercial vehicles. Traffic calming is introduced at a central point in the access drive, which is otherwise open. A pedestrian route is created from Stapleford Road through to the rear.

The Highway Authority have advised that the proposals are acceptable on highway grounds. In terms of access and capacity, no highway improvements to the junction are required as the

required visibility taking account of traffic speeds are already in place. Conditions are recommended in relation to construction traffic and completion of various works before occupation of the development.

Parking provision within the development meets adopted standards for the level and scale of development proposed.

Design and built form

The development introduces common themes throughout the two development areas in scale and materials.

Residential curtilages are clearly established with curtilage parking and generous private gardens, and additional visitor parking. The rear parcel features a central communal open space with all units fronting onto this to provide active frontages.

Buildings are two storeys with traditional pitched roofs in a mix of gabled and hipped end forms with varying pitches, and without roof additions. Materials are intended to reflect the local vernacular incorporating a mix of brickwork, render and weatherboarding, and both plain tile and slate roofing. Added interest is provided through detailing including a mix of sash and casement windows, gable end motif features and oak frame entrance porches.

This approach is consistent with broader design criteria in the Essex Design Guide and represents an appropriate response to local character and wider site context.

Neighbour impact

In direct impact terms, the site lies some distance from the nearest properties. Woodlands Farm to the south lies 100m away and is the closest neighbouring property. Thus direct harm has not been identified.

The proposal would safeguard the living conditions of neighbours.

Conclusion:

The application raises a number of key policy issues around the increased volume of development in the Green Belt and its impact on the openness and character thereof, and the primacy of the Local Plan in the extensive work in identifying sites for development, the result of which was that the site was not considered suitable for allocation due to its location outside of the settlement.

This has to be balanced in any assessment against the unusual site circumstances arising from the historic contamination which has now been adequately investigated and requires such extensive remediation that the previously approved developments would not support. These issues are only likely to be resolved as a result of redevelopment to a more intensive level. This may be a lower level than is currently proposed, but such a reduction may require other compromises in terms of the s106 offer made with the current proposal.

Officers recognise the issues are very finely balanced. In coming to a view Members must determine how much weight to give to the very special circumstances of the application, as set out above. In arguing that case however, the applicants have not raised any new issues that Members were not previously aware of when determining the previous application and determining that the harm to the Green Belt outweighed other matters. Given the overall level of development remains more intensive than the approved development, officers have concluded that harm to the Green Belt remains the primary issue and that the lack of visual breaks in the development does not adequately resolve the Green Belt concern. Further, the more advanced stage of the Local Plan

supports greater weight being given to the unsustainability of the development in the context of policies SP2 and P12.

In light of this, the application is recommended for refusal. The earlier reason of the concentration of affordable units does appear to have been addressed and is not now included. At this stage, in the absence of an agreed wording to a s106 agreement, a reason on this issue in particular in relation to the delivery of the mitigation in respect of the EFSAC has also been included at this time, although it is recognised that this would be a procedural issue primarily at this time.

If Members choose to give greater weight to the very special circumstances arguments, details of any such s106 agreement can be delegated to officers to proceed, although attention is drawn to the uncertainty around the delivery and upkeep of the open space and Members should consider whether such a provision can be supported.

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

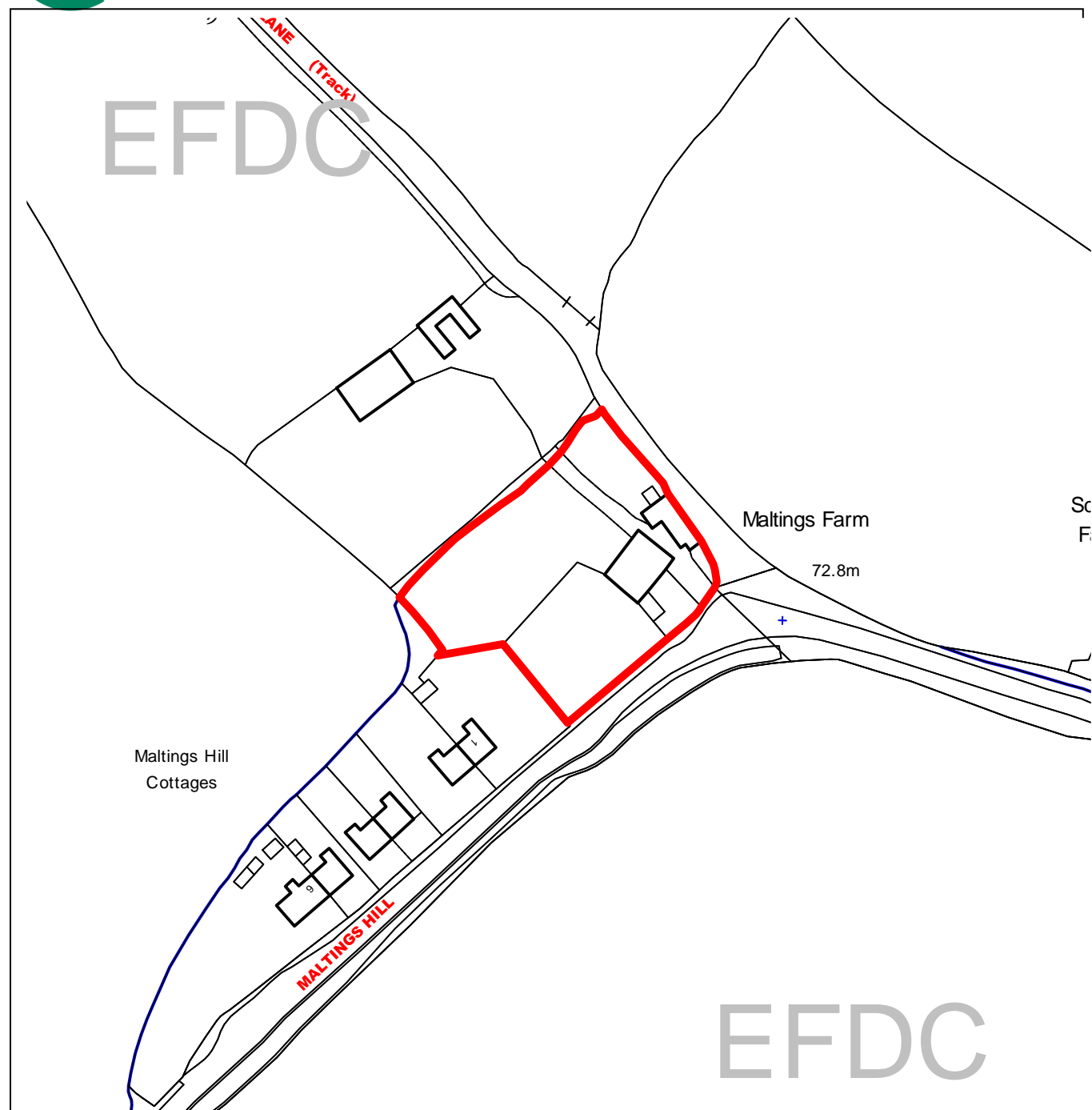
***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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/1656/20
Site Name:	Maltings Farm Church Road Moreton Ongar CM5 0JY
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/1656/20
SITE ADDRESS:	Maltings Farm Church Road Moreton Ongar CM5 0JY
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Ray Lewy
DESCRIPTION OF PROPOSAL:	Reserved matters application to EPF/0181/18 for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works.
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=640139

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: A1/664; 01/B, 02/B, 03/B, 04/B, RBL/MF/01, location plan, Arboricultural report, design and access statement, preliminary ecological assessment
- 3 No construction works above ground level shall take place until (documentary and photographic) details of the type and colours of the external finishes 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 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 permitted by virtue of Class A, B and E of Part 1 to schedule 2 shall be undertaken.
- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and

08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 7 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 8 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 9 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 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.
- 11 Hard and soft landscaping shall be implemented as shown on Richard Smallwood Associates Ltd 'existing and proposed site plan' drawing number A1/664/01B dated January 2020. and the accompanying planting schedule unless the Local Planning Authority gives its prior written approval to any alterations If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 12 Prior to preliminary ground works taking place, including any works of demolition, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials

3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 13 Prior to first occupation of the development, a scheme for the monitoring and management of any ecological assets on the site, where present, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 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.
- 15 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.
- 16 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 17 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 18 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site

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

Description of Proposal

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

Access
Appearance
Landscaping
Layout
Scale

Relevant Site History:

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

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

1. The development, by reason of its overall scale, would have a greater impact on the openness of the Green Belt than the existing development and as such would not meet any exceptions to inappropriate development. No very special circumstances exist that clearly outweigh the identified harm. Therefore the proposal constitutes inappropriate development harmful to the Green Belt, contrary to Policy GB2A of the Adopted Local Plan and Alterations (2006), Policy DM4 of the Epping Forest District Local Plan

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

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

Policies Applied:

Adopted Local Plan and Alterations 2006:

CP1 – Protecting the quality of the rural and built environment
CP3 – New Development
CP6 – Sustainable Urban Development patterns

- GB2 – Development in the Green Belt
- GB7A – Conspicuous Development
- GB8A – Change of use or adaptation of buildings
- NC4 – Protection of Established Habitats
- NC5 – Promotion of nature conservation schemes
- RP4 – Contaminated Land
- H2A – Previously Developed Land
- H9A – Lifetime Homes
- U3B - Sustainable Drainage Systems
- DBE1 – Design of New Buildings
- DBE2 - Effect on Neighbouring Properties
- DBE4 – Design in the Green Belt
- DBE6 – Car Parking in new development
- DBE8 – Private amenity space
- DBE9 – Loss of Amenity
- LL1 – Rural Landscape
- LL7 – Planting protection and care of trees
- LL10 – Adequacy of provision of landscape retention
- LL11 – Landscaping Schemes
- ST1 – Location of Development
- ST2 – Accessibility of Development
- ST4 – Road Safety
- ST6 – Vehicle Parking
- I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

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

Summary of Representations:

No. of neighbours consulted: 11 – 3 objections received

SCOTTS FARM – OBJECTION: Proposal is overdevelopment of the site, dwellings out of character with the area, detrimental impact on highway safety, Maltings Farm is a historic part of the village and should be retained. Development does not conform to the Neighbourhood Plan.

1 MALTING'S HILL – OBJECTION: Development does not conform to the Neighbourhood Plan, out of keeping with surrounding area, would be detrimental to highway safety, part of the development would cause harm in relation to loss of privacy. Unsustainable development.

PARISH COUNCIL – OBJECTION:

The Parish Council OBJECTS to this application on the following grounds:

It does not comply with Policy MBL.1.1 of the Moreton, Bobbingworth and the Lavers Neighbourhood Plan, which forms part of local planning policy, and states that “New Open Market housing developments should predominantly comprise one or two bedroom houses”.

The Parish Council has noted the reduction in the footprint size of the proposed dwellings in this revised application but nonetheless it is still for 3 x 3 large bedroomed homes.

The Parish Council is still in dispute with the EFDC's legal opinion regarding the Neighbourhood Plan. This has to date been the subject of a stage 1 and stage 2 complaint and has not been resolved to the satisfaction of the Parish Council.

The Parish Council would therefore reiterate that Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination must be made in accordance with the policies in the development plan as at the date of the reserved matters application and the argument that, because outline permission has been granted the neighbourhood plan is not valid or is outweighed conflicts with the wording of section 38(6).

It is not correct to describe the existence of the outline permission as an “exceptional circumstance” that justifies outweighing the relevant and more recent policies in the adopted Neighbourhood Plan. There is no legal basis for such an approach and, if uncorrected at the time of the decision by members, it will seriously mislead the members and the resultant decision to approve (if that is what transpires) may be tainted by illegality.

All the outline permission has done is approve the principle of the development, but it does not, and cannot as a matter of law, pre-determine issues that the applicant has chosen to leave undetermined until the reserved matters stage. Section 38(6) is clear, and it applies to any determination that is required to be made under the Town and Country Planning Act 1990 and which includes a determination on a reserved matters application.

In the circumstances it is inappropriate that a decision is taken which may be tarnished by illegality. The Parish Council requests that any discussion is deferred until the definitive legal position is accepted by all parties.

Main Issues and Considerations:

Procedural & Legal Matters

During the consideration of the previously refused Reserved Matters application (EPF/0018/20), by the District Development Management Committee, the legal status of the Moreton, Bobbingworth and The Lavers Neighbourhood Plan was assessed in relation to that application (for which the circumstances have not changed during the assessment of the current application). The reason for this was because Outline Planning Consent was granted on Appeal for the removal of outbuildings and the existing dwelling and the erection of three detached dwellings, along with formation of new

highway access and ancillary works in March 2019, which was before the adoption of the Moreton, Bobbingworth and The Lavers Neighbourhood Plan in October 2019. However, the current Reserved Matters application is being determined after the adoption of the Neighbourhood Plan.

The Council took legal advice on this matter and a legal advisor attended the DDMC meeting and gave advice on this matter to the Committee That advice is relevant to this application. Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 provides that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for these purposes means the relevant documents within the development plan as they stand, at the time of the making of the decision which, in this case, includes the Moreton, Bobbingworth and The Lavers Neighbourhood Plan. If there are conflicts between the Neighbourhood Plan and other documents within the development plan, the Neighbourhood Plan, being the most recent policy will prevail (S38(5) PCPA 2004).

Notwithstanding the above, the extant Outline Planning consent was (and is) a material planning consideration that was, and is, given significant weight in this application and it was, and is, considered that in considering all the circumstances in this particular case (including the unique cross over of the dates of the Neighbourhood Plan adoption and the planning appeal decision), this would constitute an material planning consideration which tips the balance in favour of a grant of permission having regard of the relevant policy in the adopted Neighbourhood Plan. Members of the DDMC agreed with this conclusion on the legal status of the matter on the previous application before them and officers have adopted this conclusion in this application. It is also noted that the adopted Neighbourhood Plan does not prohibit the erection of dwellings over 2 bedrooms, but looks for new dwellings to predominately be of 1 or 2 bedrooms. The Parish Councils position on the legal issues (as stated in their objection above) are noted but as explained above is not one that the Council agrees with.

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

Access
Appearance
Landscaping
Layout
Scale

Access

There have been objections from neighbours that the proposal would result in an insufficient access detrimental to highway safety. There are two accesses proposed into the site; one that serves the left and central dwellings and another that serves the right dwelling. The left/central access measures at 9.1 metres at its widest and 6 metres at its narrowest. The right access measures 5.6 metres at its widest and 3 metres at its narrowest. Essex Highways have been consulted as part of the application and have recommended that the proposal is acceptable in relation to highway safety. This aspect of the Reserved Matters is acceptable and conforms with planning policy.

Appearance

The proposed three dwellings are similar in character and appear of a modest design. The gabled roof forms incorporate traditionally formed dormer windows to the front and rear elevations. The external walls would be finished in a light grey coloured render, with natural black slate roof tiles

utilised for the roof. The use of such materials would not be out of keeping with the surrounding area and would not be detrimental to the character of the street scene. The appearance of the proposal conforms with planning policy.

Landscaping

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

Layout

The site's layout is linear in design and set back approximately 14 metres from the front boundary of the site. There is a 4 metre separation between the dwellings allowing views through the site. Each plot benefits from generous amenity space at the front and rear. The dwellings are located a sufficient distance away from neighbouring dwellings so as to not cause significant harm to neighbouring properties. It is considered that the layout of the site is acceptable in planning terms.

Scale

Several objections have been raised surrounding the scale of the development. The proposed dwelling houses shall be single storey with rooms in the roof, so a relatively low scale of development. The Moreton, Bobbingworth and The Lavers Neighbourhood Plan suggests that new build houses should **predominately** contain 1-2 bedrooms, rather than 3 bedrooms as this scheme puts forward in each dwelling. However, it should be noted that the Neighbourhood Plan **does not prohibit** dwellings with over 2 bedrooms from being erected in the Parish, and these cases should be judged on their merits and taking into consideration all material planning matters.

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

The previous reserved matters application was refused for the following reason:

The development, by reason of its overall scale, would have a greater impact on the openness of the Green Belt than the existing development and as such would not meet any exceptions to inappropriate development. No very special circumstances exist that clearly outweigh the identified harm. Therefore the proposal constitutes inappropriate development harmful to the Green Belt, contrary to Policy GB2A of the Adopted Local Plan and Alterations (2006), Policy DM4 of the Epping Forest District Local Plan

The approximate volume of the existing buildings on site is approximately 964.63m³. The approximate total volume calculations for the Outline proposal was 1,309m³. The proposed volume for the current reserved matters application is 1,154m³. The scale of the proposed development would be less than the scale of the outline consent and it is considered the current reserved matters application overcomes the previous reason for refusal.

It is considered that the scale of the dwellings within the site is acceptable in planning terms and whilst the proposal appears contrary to the Neighbourhood Plan, the proposal meets the Nationally Prescribed Space Standards as outlined in Policy DM10 of the Epping Forest District Local Plan

(Submission Version) 2017 and the Neighbourhood Plan does not outweigh the need for housing across the District. Permitted Development Rights can be restricted to better manage the scale of any future development on the site. On balance, the proposal is compliant with planning policy.

Other matters

A preliminary ecological assessment has been submitted alongside this reserved matters application, concluding that the development would not cause adverse impacts upon legally protected/priority species and habitats. It is recommended within the report that a construction management plan is included within any planning conditions if the application is granted permission. This would be a reasonable condition to add alongside a condition focusing on the monitoring and management of any ecological assets where present prior to first occupation.

Conclusion:

The proposal is acceptable in terms of Access, Appearance, Landscaping, Layout and Scale. It is recommended that planning permission is granted subject to conditions.

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

Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462

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



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