

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 15th September, 2021**

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 15th September, 2021  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer**

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

#### **Members:**

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

#### **WEBCASTING/FILMING NOTICE**

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

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

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

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

**1. WEBCASTING INTRODUCTION**

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

2. The Chairman will read the following announcement:

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

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

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

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

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 9 - 16)**

To confirm the minutes of the last meeting of the Sub-Committee held on 21 July 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](http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

**8. SITE VISITS**

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

**9. PLANNING APPLICATION - EPF/1286/20 BROADBANKS, 23 IVY CHIMNEYS ROAD, EPPING CM16 4EL (Pages 17 - 34)**

To consider the attached report on the demolition of existing dwelling and 2no. associated agricultural buildings and replacement with 3no. detached dwellings including ancillary works and landscaping.

**10. PLANNING APPLICATION - EPF/1290/20 LAND ADJACENT HORSE SHOE FARM, LONDON ROAD, NORTH WEALD, HARLOW CM17 9LH (Pages 35 - 44)**

To consider the attached report for a new agricultural barn with additional hardstanding area.

**11. PLANNING APPLICATION - EPF/0364/21 CRYSTAL BROOK, LITTLE GREGORIES LANE, THEYDON BOIS, EPPING CM16 7JP (Pages 45 - 50)**

To consider the attached report on the construction of a single storey garage building and extension of existing stables, following demolition of existing garages and other buildings on site.

**12. PLANNING APPLICATION - EPF/0755/21 FORMER POLICE STATION, 230 HIGH STREET, EPPING CM16 4AP (Pages 51 - 58)**

To consider the attached report on the change of use of ground floor and basement of former Police Station to Use Class E (Commercial, Business and Service). (Revised scheme to EPF/2746/20).

**13. PLANNING APPLICATION - EPF/0782/21 40 STONARDS HILL, EPPING CM16 4QH (Pages 59 - 66)**

To consider the attached report on the removal of existing shed/outbuilding and extension and conversion of existing rear garden outbuilding to create annexe accommodation. (Revised application to EPF/2774/20).

**14. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

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

### **Are the meetings open to the public?**

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

### **When and where is the meeting?**

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

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. 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: Only 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 **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: [democraticservices@eppingforestdc.gov.uk](mailto: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://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

## **How are the applications considered?**

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

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

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

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

## **Further Information**

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee East 2021-22  
 Members of the Committee and Wards Represented:

				
<b>Chairman</b> Cllr Keska	<b>Vice Chairman</b> Cllr Brady	Cllr Vaz	Cllr McCredie	Cllr J H Whitehouse
Chipping Ongar, Greensted and Marden Ash	Passingford	Chipping Ongar, Greensted and Marden Ash	Epping Hemnall	Epping Hemnall
				
Cllr J M Whitehouse	Cllr H Whitbread	Cllr Burrows	Cllr C Whitbread	Cllr Morgan
Epping Hemnall	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Epping Lindsey and Thornwood Common	Hastingwood, Matching and Sheering Village
				
Cllr Balcombe	Cllr Rolfe	Cllr Stalker	Cllr Hadley	Cllr Bolton
High Ongar, Willingale and the Rodings	Lambourne	Lower Sheering	Moreton and Fyfield	North Weald Bassett
				
Cllr Mclvor	Cllr Bedford Shelley	Cllr Jones	Cllr Philip	
North Weald Bassett		Theydon Bois	Theydon Bois	

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 21 July 2021  
East

**Place:** Council Chamber - Civic Offices **Time:** 7.00 - 8.35 pm

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

**Other Councillors:**

**Apologies:** S Jones and B Rolfe

**Officers Present:** J Godden (Heritage, Enforcement & Landscaping Team Manager), J Leither (Democratic Services Officer), V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor), R Moreton (Corporate Communications Officer) and G Woodhall (Team Manager - Democratic & Electoral Services)

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### 11. 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.

### 12. 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.

### 13. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 23 June 2021 be taken as read and signed by the Chairman as a correct record, subject to an amendment that Councillor P Stalker had also given his apologies.

### 14. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor L Burrows declared a non-pecuniary interest in the following item of the agenda by virtue of living close by. The Councillor had determined that he would leave the meeting for the consideration and voting thereon:

- EPF/0991/21 – 189 Lindsey Street, Epping CM16 6RF

(b) Pursuant to the Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of being the managing director of a company that would have been involved in this transaction, albeit some time ago. As the Councillor had joined the meeting late during this item he had determined that he would leave the meeting henceforth for the consideration and voting thereon:

- EPF/0536/21 – 67 Hemnall Street, Epping CM16 4LZ

(c) Pursuant to the Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of being the managing director of a company that would have been involved in this transaction, albeit some time ago. The Councillor had determined that he would leave the meeting for the consideration and voting thereon:

- EPF/0991/21 – 189 Lindsey Street, Epping CM16 6RF

#### **15. ANY OTHER BUSINESS**

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

#### **16. 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](http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf)

#### **17. SITE VISITS**

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.

There were no formal site visits requested by the Sub-Committee. However, in light of the Government's relaxation of Covid guidelines on 19 July 2021, Councillor J Philip asked if the Leader could review this restriction on site visits as soon as possible.

**18. PLANNING APPLICATION - EPF/1718/18 LAND CORNER OF MILL LANE AND MILLFIELD, HIGH ONGAR**

<b>APPLICATION No:</b>	EPF/1718/18
<b>SITE ADDRESS:</b>	Land at corner of Mill Lane and Millfield High Ongar Essex
<b>PARISH:</b>	High Ongar
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 8 three bedroom houses including new access from Millfield, provision of parking spaces, amenity space and landscaping (revision to withdrawn application EPF/0403/17).
<b>DECISION:</b>	Withdrawn prior to Committee

**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=611134](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=611134)

Withdrawn prior to Committee

**19. PLANNING APPLICATION - EPF/0458/21 HOME VIEW, GREENMAN ROAD, MAGDALEN LAVER, ONGAR CM5 0ES**

<b>APPLICATION No:</b>	EPF/0458/21
<b>SITE ADDRESS:</b>	Home View Greenman Road Magdalen Laver Ongar CM5 0ES
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective demolition of existing outbuilding, and erection of a single storey rear extension (Amended application to EPF/0079/20)
<b>DECISION:</b>	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=648577](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648577)

**Application description changed to above from** - Proposed demolition of existing outbuilding, single storey rear extension and two side dormers (Amended application to EPF/0079/20)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 2249/01,10/A
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to the construction of the proposed extension, the outbuilding outlined on plan no. 2249/01 shall be demolished and any resulting debris shall be removed from the site before any works on the extension commences.

**20. PLANNING APPLICATION - EPF/0536/21 67 HEMNALL STREET, EPPING CM16 4LZ**

<b>APPLICATION No:</b>	EPF/0536/21
<b>SITE ADDRESS:</b>	67 Hemnall Street Epping CM16 4LZ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and erection of a two storey detached dwelling.
<b>DECISION:</b>	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=648880](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648880)

**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: BRD/21/001; 010-B, 011/A, 012, 013/A

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as described within the application form, unless otherwise agreed in writing by the Local Planning Authority.
- 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 Prior to preliminary ground works taking place, details of 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.
- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 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.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts;

other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 10 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.
- 11 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.
- 12 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.
- 13 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

21. **PLANNING APPLICATION - EPF/0897/21 135 ONGAR ROAD, LAMBOURNE, ROMFORD RM4 1UL**

<b>APPLICATION No:</b>	EPF/0897/21
<b>SITE ADDRESS:</b>	135 Ongar Road Lambourne Romford RM4 1UL
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey side and rear extension
<b>DECISION:</b>	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=650468](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=650468)

**INFORMATIVE ADDED** - Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over! near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### **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: 19819/SP; 19819/01; 19819/02; 19819/03; 19819/04

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling house, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

**22. PLANNING APPLICATION - EPF/0991/21 189 LINDSEY STREET, EPPING CM16 6RF**

<b>APPLICATION No:</b>	EPF/0991/21
<b>SITE ADDRESS:</b>	189 Lindsey Street Epping CM16 6RF
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	First floor extension with front and rear dormers including Juliet balcony at rear.
<b>DECISION:</b>	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=650773](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=650773)

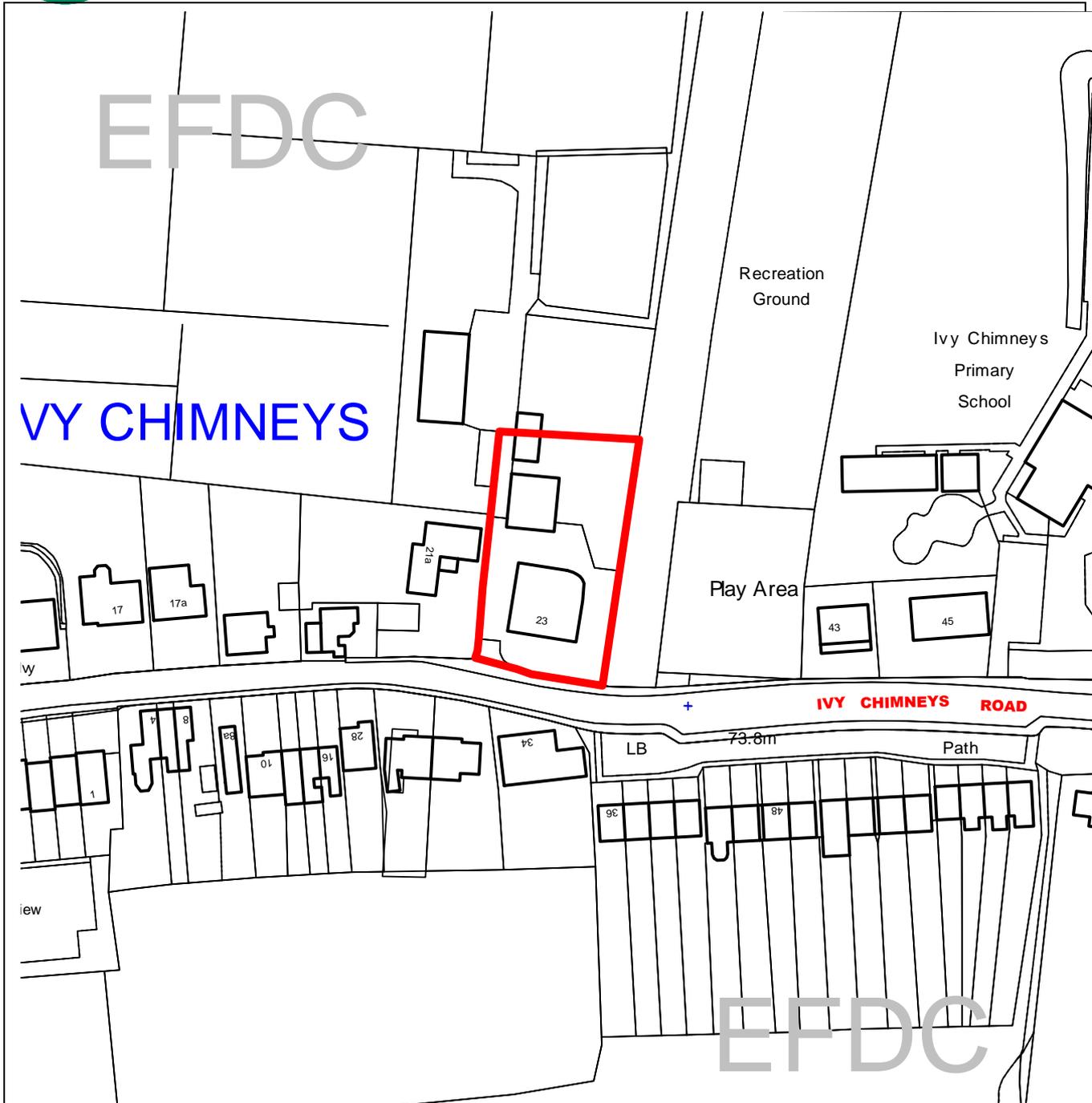
**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: LS:02/C, Street Scene image, Site photographs.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those shown on plan number: LS:02/C, unless otherwise agreed in writing by the Local Planning Authority.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/1286/20
Site Name:	Broadbanks 23 Ivy Chimneys Road EPPING CM16 4EL
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1286/20
<b>SITE ADDRESS:</b>	Broadbanks 23 Ivy Chimneys Road EPPING CM16 4EL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Mike Payne
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and 2no. associated agricultural buildings and replacement with 3no. detached dwellings including ancillary works and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=638215](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638215)

**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:  
  
001.00, 002.00, 005.00, 300.01, 305.00,306.01, 307.00, 310.01. 175370-001, 175370-002 rev C, 175370-003, DW2018-413,  
  
Design and Access Statement -Environmental and Geotechnical Desk Study and Site Investigation report reference 2148/Rpt2v3 July 2019, bat Survey by Essex Mammal Surveys January 2018, Preliminary Ecological Assessment November 2018 by Ethos Environmental Planning, Flood Risk/Surface Water Management Statement (including SuDs Strategy and Maintenance Plan. Reference 175371-01 dated July 2019 by Ardent, Arboricultural Impact Assessment Report reference SHA 626 rev D dated 17 February 2018.
- 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 The house type 2 hereby permitted shall not be occupied until the windows in the upper floor southern and northern flank elevations have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 5 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.
- 6 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 7 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 8 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.
- 9 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Sharon Hosegood Associates 'Tree Protection Plan' drawing number SHA 626TPP Rev D dated 16th February 2018.

- 10 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 11 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:  
safe access into the site;  
the parking of vehicles of site operatives and visitors;  
loading and unloading of plant and materials;  
storage of plant and materials used in constructing the development;  
wheel and underbody washing facilities.  
The approved Plan shall be adhered to throughout the construction period.
- 12 Prior to the first occupation of the development the access arrangements (including footway surfacing and visibility splays), 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.
- 13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, per dwelling, and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- 14 There shall be no discharge of surface water onto the Highway.
- 15 The proposed development should be undertaken in accordance with the recommendations made in the Bat Survey by Essex Mammal Surveys January 2018 and Preliminary Ecological Assessment November 2018 by Ethos Environmental Planning unless otherwise agreed in writing by the Local Planning Authority.
- 16 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and

made operational prior to first occupation. The details shall include:

- Location of active and passive charging infrastructure;
- Specification of charging equipment; and
- Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
  - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
  - b) How charging point usage will be charged amongst users;
  - c) The process and the triggers for identifying when additional passive charging points will become activated; and
  - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 17 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 18 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.
- 19 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 20 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.

21 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 Classes A, B and E of Part 1 to schedule 2 shall be undertaken.

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

**Site and Surroundings**

The application site comprises a rectangular piece of land containing a detached house, outbuilding and one block of stables. It covers an area of 0.15 hectares. An access road that serves the site and land to the north runs along the western boundary.

The topography of the site slopes downwards towards the south.

The two-storey house is within the urban area; however the outbuilding and stables fall within land designated as Green Belt.

To the immediate north of the site lie outbuildings, with open grazing land beyond. To the west, the neighbouring property with associated outbuildings, to the east exists a children’s playground, and to the south, Ivy Chimneys, with residential properties beyond.

**Description of Proposal:**

Permission is sought for the demolition of the existing dwelling and 2no. associated agricultural buildings and replacement with 3no. detached dwellings including ancillary works and landscaping.

6 car parking spaces proposed.

**Relevant History:**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
OUT/EPF/1430/85	Outline application for the erection of a dwelling house with garage in garden of ‘Broadbanks’	refused
OUT/EPF/2056/14	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping	Refused and dismissed at appeal
The grounds for dismissal were that the proposal sought construct housing on the hardstanding and horse exercise area to the north of the site. The Inspector opined that “The encroachment of development into the open area to the north of the buildings would be contrary to one of the purposes of including land in the Green Belt which is to safeguard the countryside from encroachment. It would also be extending the coverage of built development have a greater impact on the openness of the Green Belt than the existing buildings.		
OUT/EPF/0458/15	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of three	Granted

	detached dwellings with garages and car spaces including ancillary works and landscaping (revised application to EPF/2056/14)	
EPF/1690/16	Demolition and removal of the stables and hardstanding and the excavation of part of the site to reduce the levels (with the excavated material to be removed), and the erection of three detached dwellings and garages with all associated works.	Granted
EPF/3159/18	Permission is sought for the demolition of all on site stables and hardstanding; the excavation and removal of materials from the site to reduce ground levels in order to construct 9 dwellings with associated landscaping; access road; turning head and ancillary works on the site.	Refused

Reasons for refusal: -

1. The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal does not constitute limited infilling of a village nor is it 'limited infilling' or 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. It therefore would be inappropriate development. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Submission Local Plan.
2. In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2349/19	Demolition of existing dwelling & 2no. associated agricultural buildings. Provision of new access road & erection of x5 no. detached & semi-detached dwellings including ancillary works & landscaping.	Refused
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Reasons fore refusal:

The site was assessed as part of the site selection process (under reference SR-0466 Broadbanks, 23 Ivy Chimneys Epping) to inform the preparation of the Local Plan and was not progressed beyond Stage 3 of the assessment process and not proposed for allocation as it was ranked lower in the land preference hierarchy. This is because it would have the most impact upon the Epping Forest Special Area of Conservation by expanding the urban area closer to the designated area, which may have adverse effects on Epping Forest (including potentially from air quality,

urbanisation and increased recreation activity. Furthermore, this strategic option is most harmful to the Green Belt relative to the other strategic options in the settlement compared to other more sustainable sites to meet the Council's housing requirement. The proposal is therefore contrary to the sequential approach of Policy SP 2 Spatial Development Strategy Local Plan Submission Version 2017.

The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal does not constitute limited infilling of a village nor is it 'limited infilling' or 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. It therefore would be inappropriate development. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework, Policy GB2A of the Epping Forest District Adopted Local Plan and Policy DM4 of the Submission Local Plan.

The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

The proposal due to the position of the properties within plots 1, 3 and 5 would result in an unacceptable loss of outlook and increased sense of enclosure for the residents of the property proposed within plot 1 as well as on adjoining residents within the residential unit facing the application site approved under reference EPF/1690/16. The proposal is therefore contrary to the requirements of paragraphs 127(f) and 130 of the National Planning Policy Framework, policy DBE9 of the Adopted Local Plan and Alterations and policy DM9 of the Submission Version Local Plan 2017.

The proposal has a height, scale, bulk, prominence and layout which would be incongruous to the established pattern of development within the semi-rural location within which it is situated and as a result will be harmful to the visual character of the street scene and recreation ground. The proposal is therefore contrary to Chapter 12 of the NPPF, policies CP7, DBE1 and DBE4 of the Adopted Local Plan and Alterations along with SP3, T1, DM5 and DM9 of the Submission Version Plan.

Insufficient information was submitted to demonstrate compliance with non-statutory technical standards for sustainable drainage systems, Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide, The CIRIA SuDS Manual (C753) and BS8582 Code of practice for surface water management for development sites. The Council is therefore unable to fully and properly assess development in terms of its impact on whether or the proposal will not lead to the increase in the risk of surface water flooding. The development is therefore contrary to the requirements of chapter 14 of the NPPF, and DM15 and DM16 of the Submission Version Local Plan.

## **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:

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP7 - Urban Form and Quality  
CP9 – Sustainable transport  
GB2A - Development in the Green belt  
GB7A – Conspicuous Development  
RP4 – Contaminated land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE4- Design in the Green Belt  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety  
ST6 – Vehicle parking  
NC1 - SPAs, SACs and SSSIs  
NC3 - Replacement of Lost Habitat  
NC4 - Protection of established Habitat  
NC5 – promotion of Nature Conservation Schemes  
CP1 – Achieving sustainable development objectives

## **NATIONAL PLANNING POLICY FRAMEWORK (July 2021)**

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.

## **EPHING 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:

<b>Policy</b>	<b>Weight afforded</b>
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant
SP6 - Green Belt and District Open Land	Significant
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H1 - Housing Mix and Accommodation Types	Significant
H2 - Affordable Housing	Significant
T1 - Sustainable Transport Choices	
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	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM18 - On Site 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

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 47  
 Site notice posted: Yes

### **6 MEADOW VIEW IVY CHIMNEYS, 15 IVY CHIMNEYS, 30 IVY CHIMNEYS, 34 IVY CHIMNEYS OBJECT**

Ivy Chimneys Road is busy and narrow, and around the proposed building site there is a lot of traffic and parking for the local primary school. We don't need extra congestion and the road just doesn't support extra residential buildings at that position, particularly so close to the school.

Loss of view

Increase in noise, disturbance, overlooking, loss of privacy, and overshadowing pollution.

Ivy Chimneys Road is already a very busy and congested road; it is already very difficult for me to safely enter and leave my driveway at busy times. The construction work would add to this hazard.

The development would adversely affect highway safety and the convenience of road users, particularly to school children as it is already very unsafe at the start/end of school due to the volume of traffic and the additional housing would add to this.

There would also be extra demand for school places.

I am also concerned about the airborne levels of Asbestos from the demolition of onsite stables and hard dwellings.

## **PARISH COUNCIL: OBJECTION:**

The Committee continue to uphold their previous objection from the 2016 planning proposal.

The more intense use of the site would be detrimental to Highway Safety. This is a busy and dangerous road, particularly for pedestrians and this is exacerbated by parking issues. The proximity of Ivy Chimneys Playground and Ivy Chimneys Primary School means that traffic and footfall at peak times is far greater than would be the case in a similar location without the school and playground nearby.

Committee do not consider the infrastructure sufficient to enable an access drive that is 5.5m in width. The increased use of the site would result in more traffic at a point where traffic is moving downhill, resulting in adverse effects in an already dangerous area.

The access to and from this site is an issue also and adds to the hazardous road traffic. Committee also have concerns over the loss of the large number of trees and felt that there is insufficient details regarding the protection of trees on the site. Committee do not object to the number or type of houses proposed.

Relevant policies: CP1, CP2, CP6, CP7, DBE2, DBE9, H3A, LL10, LL11, ST4, ST6. (Local Plan 1998/2006) Emerging Local Plan: DM2, DM5B, SP4, T1.

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

**EPPING SOCIETY OBJECT:** The proposed site has extensive tree and shrub cover. We note that no mention is made of protecting or retaining this.

We acknowledge the slight reduction in height of the proposed buildings. However, with the loss of vegetation, they will still have a major impact on the adjacent Metropolitan Green Belt area.

The increased traffic will be dangerous on a road that is near a bend and close to Ivy Chimneys Primary School. The area is already subject to congestion at the school gates and around the proposed entrance.

The proposed road width inside the estate remains cramped. The hammerhead area on the approved part of site is too small to allow efficient turning.

A bin lorry is 2.45m wide. Rubbish and recycling collections and almost all deliveries will block the road as there will be very little space to turn around or stop in the narrow estate road. This will cause residents, visitors and other deliveries to the proposed development and the other 3 already approved properties to queue. We expect that some of these will stop at the entrance to the new estate. This will further increase danger with the proposed development and onto Ivy Chimneys Road.

## **Main Issues and Considerations:**

### **Emerging Local Plan**

Policy SP 2 of the SVLP stipulates that Epping has a growth requirement of 1305 homes. The full site subject to the proposals previously formed part of a larger area which was originally being promoted for residential development within the Strategic Land Availability Assessment. This larger site was assessed by ARUP on behalf of Epping Forest District Council under reference SR-0466 (Broadbanks, 23 Ivy Chimneys Epping) for its suitability for removal from the Green Belt to provide housing. The site did not proceed beyond stage 3 of the site selection process because it ranked lower in the land preference hierarchy compared to other more sustainable sites. This is

because it would have the most impact upon the Epping Forest Special Area of Conservation by expanding the urban area closer to the designated area, which may have adverse effects on Epping Forest (including potentially from air quality, urbanisation and increased recreation activity). Furthermore, this strategic option is most harmful to the Green Belt relative to the other strategic options in the settlement compared to other more sustainable sites to meet the Council's housing requirement.

However the application site covers only covers a small section of the southern edge of the area covered by reference SR-0466 and a permission granted under EPF/1690/16 for three houses to the north of the site has been implemented. These buildings will screen the building from long views of the site and as a result the proposal will have a very limited impact on the openness of the Green Belt.

The site is located within Floodzone 1, meets the definition of Previously Developed land. It therefore could be considered a windfall site subject to the proposal not having an adverse impact on the integrity of the Epping Forest Special Area of Conservation.

### Epping Forest Special Area of Conservation

Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

Recreation activities arising from new residents (recreational pressures); and

Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

#### Stage 1: Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach)

adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

## Stage 2: 'Appropriate Assessment'

### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

### Conclusions:

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

## Green Belt

The properties within plots 1 and 2 fall within the urban area and therefore are not affected by Green Belt policy. Plots 3, 4 and 5 all fall within land designated as Green Belt.

Paragraph 133 of the NPPF proclaims that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Policy GB2A of the Adopted Local Plan presumes against the construction of new buildings, unless they are appropriate. Policy GB7A seeks to resist conspicuous forms of development within the Green Belt, which would have an excessive impact on its openness. Policy DM4 of the LPSV reflects paragraphs 145 and 146 of the NPPF.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm.

Paragraphs 145 and 146 of the NPPF allow for some exceptions to inappropriate development, the relevant two in this case are:

(e) limited infilling in villages;

*(g) 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.*

The section of the site within Green Belt is being used for ancillary residential purposes and as stables and as such the use would meet the definition of Previously Developed Land.

The dwelling house is located within the urban section of the site and therefore its volume cannot be taken into consideration. Plans indicate that the facilities and stables have a combined volume of 865 cubic metres. The singular house proposed to replace them has a volume of 794 cubic metres. This volume is a reduction of 71 cubic metres. Furthermore, the permission granted under EPF/1690/16 for three houses has been implemented. These buildings will screen the building from long views of the site and as a result the proposal will have a very limited impact on the openness of the Green Belt.

Given that the site is within an existing village and there is development on three of its boundaries, the proposal is therefore considered to also meet the definition of an infill development within a village.

It is for these reasons that proposal now overcomes the previous Green Belt reason for refusal outlined in EPF/2349/19 and as such accords with the requirements of chapter 13 of the NPPF and Policy GB2A of the Local Plan (1998/2006) and DM4 of the Submission Version Plan 2017.

## Design

The surrounding context is made up of large detached and semi-detached dwellings within large curtilages fronting Ivy Chimneys Road and open land to the rear or north of the dwellings. Planning approval has been given under reference EPF/1690/16 for the demolition and removal of

the stables and hardstanding and the excavation of part of the site to reduce the levels (with the excavated material to be removed), and the erection of three detached dwellings and garages with all associated works.

The proposed position, height design and materials of the proposal are in keeping with other residential dwellings in the locality. It is recommended that site level plans are conditioned to ensure that the heights of the new houses reflect those shown on plan 310.01. The proposal has a similar design and appearance to the three houses already approved and would be a continuation of this cul-de-sac arrangement. The proposal therefore preserves the distinctive local character of this area in accordance with chapter 12 of the NPPF and policies DBE 1 and 4 of the Local Plan.

### Trees

The Tree Officer is satisfied that subject to conditions the proposal will not have an adverse impact on existing trees on the site and therefore the proposal accords with the requirements of policy LL10 and LL11 of the adopted Local Plan 2017.

### Quality of resulting residential accommodation

All dwellings meet current internal space standards set out in the Essex Design Guidelines and National Technical Standards. There is a distance 9.8m between the northern side flank wall of plot 1 (i.e. bedroom window of house 1) and the southern flank wall of the house within plot 2. Since the outlook from plot 1 is to a blank wall, it is on balance considered acceptable.

All units meet amenity space standards required by Policy DBE8 of the Local Plan (1998/2006). The quality of the proposed accommodation is therefore considered to comply with the requirements of DM10 of the Submission version Local Plan 2017.

It is recommended that a condition be attached to any permission which requires that all upper floor side elevation windows within the type 2 houses are obscure glazed. obscure glazed to prevent mutual overlooking.

### Impact on neighbouring amenity

All other neighbours are sufficiently distant as to ensure that their living conditions will not be adversely affected in terms of light, outlook and privacy. The proposal therefore complies with the requirements of DBE9 of the adopted Local Plan (1998/2006) and DM9 of the Submission Version Plan 2017.

### Highways

The Highways Engineer advises that-

*“The access geometry and sight lines are compliant for the speed of the road. Furthermore, the site is well located with good access to other sustainable modes of travel.*

*The proposed parking is in accordance with standards and the applicant has demonstrated that visitor parking can be accommodating within the development with no detrimental impact upon the internal site movement.*

*Consequently, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency upon the local and wider highway network.”*

It is on this basis that subject to conditions, the proposal therefore complies with policies ST4 & ST6 of the Local Plan and T1 of the SVLP.

#### Land Drainage

The Land Drainage Officer raises concerns that the site is at risk of surface water flooding the applicant will need to provide through a pre-commencement condition requiring a flood risk assessment assessing all sources of flood risk and provide the necessary mitigation measures including a full drainage strategy utilising SuDS in accordance with DM15 and DM16 of the Local Plan Submission Version.

#### Contaminated Land.

The Contaminated Land Officer has reviewed desktop study and geo environmental site investigation report submitted with the application. He recommends that no further site investigations are required but additional information is required in regard to risks to site workers and a watching brief to identify any unsuspected contamination along with further asbestos sampling in and around the building in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan (1998/2006).

#### Conclusion:

The proposal will provide 3 new dwellings within a sustainable location. The Council's consultants are satisfied that subject to a unilateral undertaking to fund mitigation against the adverse impact on the integrity of the EFSAC and conditions encourage more sustainable modes of travel and working from home. Furthermore the proposal has an acceptable design and will not have excessive adverse impact on neighbouring amenity or highway safety, it is therefore considered that the proposal is acceptable in planning terms.

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

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

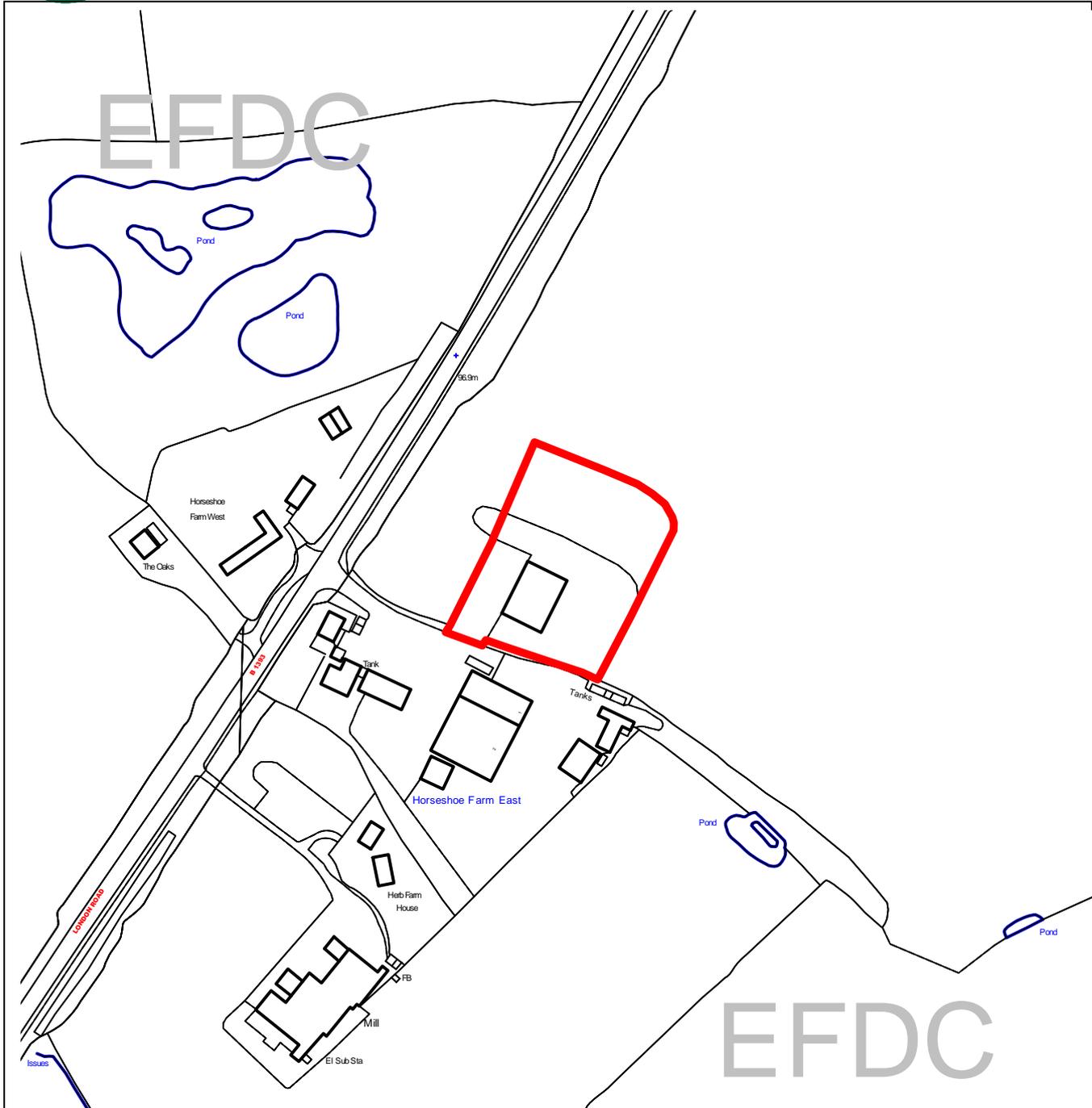
***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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

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# Epping Forest District Council



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Application Number:	EPF/1290/20
Site Name:	Land Adjacent Horse Shoe Farm London Road North Weald Barlow CM17 9LH
Scale of Plot:	1:2500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1290/20
<b>SITE ADDRESS:</b>	Land Adjacent Horse Shoe Farm London Road North Weald Harlow CM17 9LH
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Padfield
<b>DESCRIPTION OF PROPOSAL:</b>	New Agricultural Barn with additional Hardstanding area
<b>RECOMMENDED DECISION:</b>	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=638219](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638219)

**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: JS-2018 001 Rev C; Supplementary Planning Statement 9th October 2020; Design & Access Statement
- 3 The building shall be used solely for the purposes of agricultural as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purpose.
- 4 No development including site clearance shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 5 Prior to preliminary ground works taking place, details of 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.

- 6 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.
- 7 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.
- 8 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.
- 9 The hardstanding hereby permitted shall not be used for the external storage of materials and shall be maintained free from obstruction to enable vehicles to wait, load, unload and turn so that they may enter and leave the site in forward gear
- 10 There shall be no open storage of any type on the site as delineated by the red line on the approved site location plan.

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

This application was Deferred from the 27<sup>th</sup> April 2021 Committee due to Members request that either a Site Visit take place or, in lieu of this, a drone flight over the site take place instead. Site visits by Committee Members have been put on hold for the duration of the pandemic as decided at the Group Leaders Meeting of 24<sup>th</sup> June 2020. Therefore, there has been no opportunity to undertake a site visit, and as such a drone flight was commissioned and will be shared with Members during the committee presentation.

**Description of Site:**

The application site is located to the east of London Road known as the B1393 which is a main route connecting Epping to the M11, Harlow and beyond. The site is accessed via and existing vehicular access to Horseshoe Farm from London Road.

The site lies to the northeast of Horseshoes Farm and comprises of a large steel agricultural grain barn with a turning area and a steel agricultural store to the west boundary of the site. The site is afforded by existing landscaping along the northwest boundary of the site which partly screens the site from London Road.

The former farm complex is located to the southeast and is now occupied by a haulage business not owned by the applicant. There are dwellings to the far west on the other side of London Road.

The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of Proposal:**

The application seeks consent to construct a steel portal frame agricultural storage barn clad in plastisol coated sheeting to the far northeast of the site with arable farmland beyond adjoining the existing agricultural building. The structure is of the same footprint and follows the same height and design as the existing adjoining agricultural building. The proposal would involve extending the existing earth banking to the north which separates it from arable with the addition of tree planting.

The submitted statement confirms that the size of the agricultural unit has increased by 550 acres and the barn is required to facilitate the increased greater tonnage of associated arable crop management plan and equipment. The size and height of the barn is required to adequately store, and segregate produce farmed on the land and to accommodate the modern efficient agricultural handling machinery and portable agricultural equipment to meet required regulations.

The proposed barn capacity is key to the storage problems that they currently have where some machinery and crops are presently transported and stored off site at regular intervals which increases during harvest time.

### **Relevant History:**

EPF/0996/20 - Application for Prior Approval for a steel portal frame side extension to the existing barn. - Refused for the following reason:

- Due to its floor area and height within 3km of an aerodrome, the proposed development does not comply with the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 6, Class A, A1(E and F).

EPF/2716/15 - To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. - Refused 16/03/2016

- Advice received indicates that the building is excessive in size for its proposed purpose, in addition due to its size, bulk, height and position adjacent to the road, the proposal will be visually prominent and harmful to the openness of the Green Belt and the character and visual amenity of the area. The development is therefore contrary to policies GB11, GB7A and LL2 of the Adopted Local Plan and Alteration.
- The proposed development, due to its position, bulk, massing and size will result in an excessive loss of amenity for neighbouring properties contrary to policy DBE9 of the Adopted Local Plan and Alterations.

Allowed on Appeal - 24/01/2017- Implemented

EPF/1818/15 - Agricultural chemical sprayer and chemical store as a steel portal frame with a lean-to off one end. – Refused - 18/09/2015

- It has not been demonstrated that the new agricultural building is necessary for the purposes of agriculture within the unit and therefore it is contrary policy GB11 of the Adopted Local Plan and Alterations, which is consistent with the objectives of the National Planning Policy Framework.

EPF/0528/13 - Additional grain storage facilities and extension to existing area of hardstanding. - Refused 24/05/2013 - allowed on appeal 07/11/2013

EPF/2547/11- Extension to existing grain storage facilities. - Refused 10/04/2012

- The proposed development, due to its size and position within the landscape on raised land, results in a conspicuous development with an unacceptable impact on the open character and visual amenity of the Green Belt, contrary to the aims and objectives of GB11 and GB7A of the adopted Local Plan and Alterations.
- The applicant fails to demonstrate that the proposed development would not result in an increase in heavy vehicular traffic movements to and from the site from general agricultural use and is unwilling to accept a condition restricting the use to grain storage alone. As such the proposal is likely to result in increased noise and disturbance outside usual business hours to the residence adjacent to the access contrary to the aims and objectives of policies DBE9 and GB11 of the Adopted Local Plan and Alterations.

Dismissed at Appeal 07/12/2012

EPF/1313/10 - Extension to existing agricultural building - Refused -09/09/2010

- The proposals fail to satisfactorily demonstrate that they are necessary for the purposes of agriculture within the identified unit and are therefore contrary to the aims and objectives of policy GB11 of the Adopted Local Plan and Alterations.
- The proposals fail to satisfactorily demonstrate that they are necessary for the purposes of agriculture within the identified unit and are therefore contrary to the aims and objectives of policy GB11 of the Adopted Local Plan and Alterations.
- The applicant fails to demonstrate that the proposed development would not result in an increase in vehicular traffic to and from the site. The proposals would likely result in increased noise and disturbance outside of usual business hours to the residence adjacent the access contrary to the aims and objectives of policy DBE9 of the Adopted Local Plan and Alterations.
- The applicant has failed to demonstrate that the proposals would not result in an increase in vehicular traffic to and from the site. The existing hard surface is insufficient to provide for the turning of vehicles within the site and would therefore result in vehicles turning and waiting on the shared access and likely cause overspill on the adjacent highway to the detriment of highway safety and contrary to the aims and objectives of policy ST4 of the Adopted Local Plan and Alterations.

EPF/0111/09 - New grain store incorporating extension to existing grain store at Horseshoe Farm - Refused - Dismissed at appeal

EPF/0713/07- Erection of agricultural storage building -Prior approval required and approved.

### **Applied Policies**

#### **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).

Local Plan (1998) and Alterations (2006)

CP2 Protecting the Quality of the Rural and Built Environment

GB2A Development in the Green Belt

GB7A Conspicuous Development

GB11 Agricultural Buildings

DBE1 Design of new buildings

DBE9 Loss of amenity

DBE2 Effect on Neighbouring Properties

DBE4 Design in the Green Belt

LL1 Rural Landscape

LL4 Agricultural/Forestry related development

RP5A - Adverse environmental impacts

ST1: Location of development

ST2: Accessibility of Development

ST4 Road Safety

ST6 Vehicle Parking

NC1 SPA's, SAC's and SSS1's

NPPF, 2021

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:

Paragraph 81 & 84

Paragraph 137- 138 and 147-149

## Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> 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.

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

<b>Policy</b>	<b>Weight Afforded</b>
SP1 Presumption in Favour of Sustainable Development	Significant
DM4 Green Belt	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High Quality Design	Significant
DM21- Local environmental impacts, pollution and land Contamination	Significant
DM22 - Change in air quality management area	Significant
T1 Sustainable transport choices	Significant
	Significant

## Consultation Carried Out and Summary of Representations Received

**NORTH WEALD PARISH COUNCIL:** Objection on - mass and bulk

8 neighbours were consulted, and 5 objections have been received that raise the following concerns:

- The siting of the proposed agricultural building is currently undeveloped Green Belt.
- Development creeping into the Green Belt in the name of agricultural Piecemeal development with the height and size having an impact on the openness of the Green Belt
- Result in additional; vehicle movements with the increased storage.
- Insufficient justification or need
- Other agricultural units are rented out on a commercial basis

### **The Main issues and Considerations:**

The main issues to be considered in this case are the:

- Appropriateness of the development and impact on the Green Belt and the character and appearance of the surrounding area,
- Impact on neighbour's amenities
- Environment Protection and Drainage
- Impact on the Epping Forest Special Area of Conservation

### **Metropolitan Green Belt:**

The proposal is for a purpose-built agricultural building, to be used for accommodating produce farmed on the land and to accommodate the modern efficient agricultural handling machinery and portable agricultural equipment to meet required regulations as the existing buildings cannot support the required amount of storage required. The design and size of the barn is to match that of the existing adjoining steel barn and blend in with the rural back drop. Any removed building spoil will be sympathetically redistributed within the area of the immediate agricultural unit and be used to re-form the bund to the north elevation along with additional tree planting, reducing any visual or environmental impact.

National Planning Policy Framework states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*". The site lies within the Green Belt.

Paragraph 149 of the Framework states that new buildings in the green belt are inappropriate, with a number of exceptions. One of the exceptions are buildings for agriculture and forestry.

The proposed development would constitute an agricultural building and use and by its very nature is not regarded as harmful either to the openness or the Green Belt or to the purposes of including land in the Green Belt and falls within the exception to inappropriate development as laid out in the National Framework and complies with Policy GB2A and GB7A of the adopted Local Plan and DM4 of the Local Plan Submission Version, 2017.

The agricultural barn is to align with the existing barn sited well back from the highway and which would not be visible from the entrance of the site or when travelling northwards from London Road.

Policy GB11 of the adopted Local Plan relates to agricultural buildings and states that planning permission will be granted for agricultural buildings provided that the proposal meets the following requirements:

- i) That the proposals are demonstrably necessary for the purposes of agriculture within that unit.
- ii) Would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- iii) Would not have an unacceptable adverse effect on highway safety, or with regard to water quality and a supply, any watercourse in the vicinity of the site.
- iv) Would not significantly threaten any sites of importance for nature conservation.

The construction of a new agricultural barn is within an existing agricultural unit and farmyard setting. The barn is primarily required due to an increased turnover of crop and due to the lack of storage space and would reduce the need to store and move crop and machinery "off-site". Currently all the excess grain crop is moved to a storage facility at Camgrain in Linton, Cambridgeshire some 26 miles away resulting in grain being double handled with unnecessary road miles of some 100 miles from the farm to Linton with the grain then coming back past the Farm to its final destination of the ports.

The proposed building is considered of an appropriate scale and form in association with and in context with its setting amongst other agricultural barns and therefore not considered incongruous or harmful to the character or appearance of the countryside. The barn is to be incorporated within an earth banking with native planting to help screen the development when viewed from the north boundary of the site. The planting proposed can be adequately dealt with by the imposition of appropriate landscaping conditions.

The proposal is not considered harmful to the character and appearance of the surrounding area and accords with Policy GB11 of the adopted Local Plan

#### Neighbouring Amenity

The proposed agricultural barn is well set back into the site from the main highway which is mainly screened from the London Road by existing high mature hedgerow and vegetation and by an existing agricultural building just sited inside of the hedgerow owned by the applicant.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the barn and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact. Appropriate conditions would be imposed at any approval ensuring that the building is only for agricultural use and for no other purposes. The proposal is sited at some distance from the nearest residential property and therefore not give rise to any significant impact on residential amenity in the surrounding area. Overall, the proposed use is considered to comply with the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan.

#### Comments on Representations received.

Some of the issues raised have been addressed in the above comments. The main function of the barn is for agricultural purposes which is to be conditioned as such.

#### Environment Protection and Drainage

The Environment Protection team have no objection to the application in principle, but the size and location of the structure requires a Flood Risk Assessment to be submitted to demonstrate it complies with DM15 and U2B of the Local Plan and emerging Local Plan, 2017. Further details are also required to be submitted to the Local Planning Authority of the disposal of surface water and drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

#### Impact on the Special Area of Conservation.

As a significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty under the Conservation of Habitats and Species Regulations 2017 (as Amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so, the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version, 2017.

In terms of the net increase in traffic using roads through the EFSAC. The application has been accompanied by supplementary planning statement dated 09/10/20 re: traffic and transport movements which states that agricultural traffic movements will be reduced on public roads by the proposal primarily due to the reduced need to store and move crop and machinery "off-site"

The main issue is that no additional vehicles/plant or highways traffic or traffic journeys are required. The lack of storage at the site means that the grain is double handled with unnecessary road miles of some 100 miles from the farm to Linton with the grain then coming back past the Farm to its final destination of the ports.

The applicant has used 'Camgrain', an agricultural storage firm based in Cambridge to provide for the shortfall in storage space within the holding. The lack of storage means that all the excess grain crop is moved to a storage facility at Camgrain in Linton, Cambridgeshire some 26 miles away from Horseshoe farm. Taking into account just the grain crop, the double movements of this crop equates to just over 1500T that was stored off site at Camgrain in 2019 & 2020. This equates to - 70 lorry loads covering an additional and unnecessary 140 journeys @ ~50 miles / Journey. Just on the grain crop this equates to -7,000 road miles that would be saved per year if the grain crop was stored on site at Horseshoes farm.

The additional agricultural barn is seen as reducing the overall amount of traffic movements using London Road / public roads for transporting and storing off site crops & materials that they currently undertaken, and no additional labour / resources or parking requirements are required.

Consequently, the Council is satisfied that the proposal development will not have any greater detrimental impact on the capacity of the highway network at this location. resulting in a likely significant increased effect on the integrity of the EFSAC as a result of atmospheric pollution. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

### **Conclusion**

The proposed agricultural barn has been supported by information regarding the requirement and need for the additional storage within the farm unit. The agricultural building is considered to be both appropriate and necessary for the purposes of agriculture and therefore would not unduly harm the openness of the Green Belt. The design, scale and location of the proposed barn would ensure that there would be no detrimental harm to the character and appearance of the wider countryside setting or the amenities of nearby residents and as such it is considered that the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval subject to the 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: Caroline Brown***

***Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please***

***email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council



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Application Number:	EPF/0364/21
Site Name:	Crystal Brook Little Gregories Lane Theydon Bois CM16 7JP
Scale of Plot:	1:2500

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0364/21
<b>SITE ADDRESS:</b>	Crystal Brook Little Gregories Lane Theydon Bois Epping CM16 7JP
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Garry Castle
<b>DESCRIPTION OF PROPOSAL:</b>	Construction of a single storey garage building and extension of existing stables, following demolition of existing garages and other buildings on site.
<b>RECOMMENDED DECISION:</b>	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=648213](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648213)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: CAS/SK/01E, 30, 40A, 41A& 50-55 and, at no time, shall further apertures, doors, windows or fenestration of any type be incorporated into any façade of the buildings hereby approved without the prior written consent of the Local Authority.
- 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, with particular reference to the rear wall of the proposed stables, 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 garage hereby approved shall only be used for the accommodation of motor vehicles and storage incidental to the use of a dwellinghouse as a residence and shall not be used as living accommodation or for the carrying on of any industrial or commercial activity.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council who have confirmed in writing their intention to attend and speak at the meeting where the proposal will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The application site consists of a two storey dwelling house with attached annexe, stables and detached garage situated at the end of Little Gregories Lane within the rural area of Theydon Bois. The site is irregularly shaped with the garage to the front of the site. The site is within the Metropolitan Green Belt but not a Conservation Area. The site is situated on elevated ground with the land to the south falling away towards the settlement of Theydon Bois.

### **Description of Proposal:**

The application seeks consent for the construction of a single storey garage building and extension of existing stables. The plans have been revised since first submission at Officer request so that the garage has been reduced in size and decorative elements have been removed. The garage will replace two existing garage buildings and measure 8m by 13m with a maximum height of 4.9m. The proposed stables will extend an existing line of stables and measure 12m by 5.5m with a maximum height of 3.7m continuing the existing ridge line. This element will also see the demolition of an existing tack room and feed store which will be incorporated into the stable building.

### **Relevant History:**

Various applications the most relevant of which:

EPF/0718/19 - Conversion and alteration of existing attached vacant building to form annexe accommodation for extended family. To include new dormer windows, elevational changes and infill extension at roof level – Approved

### **Policies Applied:**

*Local Plan (1998) and Alterations (2006)*

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	Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

*Local Plan Submission Version (2017)*

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2<sup>nd</sup> 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:

DM4            Green Belt  
DM9            High Quality Design

### **Consultation Carried Out and Summary of Representations Received**

THEYDON BOIS PARISH COUNCIL: Objection

The Planning Committee viewed the recently amended plans with respect to the proposal to replace two existing outbuildings with one larger garage building, along with extension of the existing stables. However, the Committee felt that the proposed garage building would still be materially larger than the two existing outbuildings it would replace.

The application site is a sensitive one. It sits within the Metropolitan Green Belt, in a prominent semi-rural location on the edge of Epping Forest. As such, properties here do not lie directly within the village, but are set on a high ridge to the north of the main settlement of Theydon Bois. A building of this design and size in this spot would be conspicuous amidst its rural setting and the surrounding natural landscape. In the Committee's view, this proposal would encroach upon the Green Belt.

The Planning Committee considered the application to be, in effect, two proposals: (a) for the demolition of buildings associated with the construction of a new stable block, and (b) the construction of a larger garage, following the demolition of a smaller garage and outbuilding. The new structures would be located in separate parts of the application site.

In so far as the first part of the development would propose to replace an existing tack room/store, feed store and garden building, with a new stable block, the Planning Committee raised no significant objection, given that the new stables would be sited toward the rear of site and behind an existing barn/stable block. However, whilst the removal of the tack room/store would facilitate the building of the new stables, it remained to be seen where a replacement facility would be located, and a feed store would also be required, especially if the number of horses to be accommodated on the premises were to be increased.

However, the second part of the proposal would relate to the application which was withdrawn under EPF/0539/20. Viewing this on its own merits, the Planning Committee made the same observations as previously, in that the resultant building would be far larger than the two which it would replace - even after taking into account the amended plans showing a slightly reduced length, removal of the formerly proposed dormer, and replacement of gable ends with a fully hipped roof shape.

The plans and photographs previously submitted showed the existence of two structures already in situ; one of which was ostensibly being used as garaging and the other as a wood store. The proposal would be to demolish these buildings and replace them with a new, significantly larger, building, which would occupy a greater footprint.

The Planning Committee took into consideration the provisions of the NPPF, which allows certain exceptions to 'inappropriate development' within Green Belt policy, provided that such development falls within the 'closed list' of exceptions detailed under Paragraphs 145 and 146. In particular, Paragraph 145 (d) permits the replacement of a building, *provided the new building is in the same use and not materially larger than the one it replaces.*

However, the Committee raised concern over the significant size and scale of the newly proposed building. At a width of 13 metres and a depth of 8 metres, it would accommodate some 4 vehicles, if utilised for this purpose. The dimensions of the new building would also be significantly larger than the combined mass and footprint of the two garages to be replaced and the implementation of this proposal would therefore impact negatively on the openness of the Green Belt, contrary to

Policy GB2A of the Current Local Plan. By being sited in a prominent position in front of the main dwelling house, the new building would also be conspicuous when viewed from within the wider site, contrary to Policy GB7A.

No very special circumstances were deemed to exist to outweigh the harm that would result. Therefore, the proposal was also considered to be contrary to both the policies mentioned above and to policy DM4 of the New Epping Forest District Local Plan (2011-2033), together with the provisions of the NPPF, 2019.

Finally, given the awareness that 'openness' has both a spatial and a visual aspect, it was felt that, even if the volumes of buildings removed across the site were amalgamated, the proposed new garage would still be more visible from a number of adjacent public viewpoints, and when entering the site. There was also concern that the first part of the proposal (a) new stables, would need to be completed before any work on (b) new garage, if the argument were to be sustained that there would be an improvement in openness on a spatial level. This would seem likely to require more than just a Condition to this effect, possibly by way of a legal undertaking.

Notwithstanding the above objections, however, should a revised application be recommended for approval, the Planning Committee would recommend the inclusion of the following Conditions in any Grant of Planning Permission:

*"The garage building hereby approved shall be retained so that it is capable of allowing the parking of cars, together with any ancillary storage, in connection with the residential use of the dwellinghouse, and shall at no time be converted into a room or used for any other purpose."*

The reason given for such a condition is: to prevent future need for additional buildings, which is likely to be harmful to the purposes of including the land in the Metropolitan Green Belt, in accordance with the guidance contained within the National Planning Policy Framework and policies ST6 and GB2A of the adopted Local Plan and Alterations, and

*"The development hereby permitted shall be completed and retained strictly in accordance with the approved drawings and, at no time, shall further apertures, doors, windows or fenestration of any type be incorporated into any façade of the building without the prior written consent of the Local Authority."*

The reason given for such a condition is: to ensure that the proposal will not deviate from the approved plans and will be permanently retained for the intended use, as a garage building.

Number of neighbours consulted: 2

Neighbour responses:

THEYDON BOIS ACTION GROUP AND THEYDON BOIS RURAL PRESERVATION SOCIETY – Objection – no objection to stable extension but garage is within the Green Belt in a prominent position, volume trade off is not acceptable, concerns over future use of the garage, large footprint  
COACH HOUSE STABLES, LITTLE GREGORIES LANE – No objection to Garage, and no objection to stables on the provision that the sleepers etc are re-instated.

LITTLE GREGORIES, LITTLE GREGORIES LANE – No objection but raising the issue of a covenant on the land that restricts the use for a livery yard/riding school.

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

#### **Design**

##### Garage

Although a fairly large outbuilding the garage is of a typical design and considered an acceptable outbuilding within the grounds of a dwellinghouse.

### Stable Extension

This part of the proposal follows the same design of the existing table building and is a typical design for a stable. Given the height difference between the proposal and the neighbour behind, it is considered reasonable that a condition is included to ensure that this potential large expanse of wall on the boundary is finished to an acceptable appearance to avoid it appearing overbearing.

### Green Belt

#### Garage

The positioning and size of the proposed garage has been objected to by both the Parish Council and by the two local groups/society. The proposal is for a fairly large building and it is within a prominent position on the site. However, it has been reduced in size and the roof hipped with the decorative element removed within the scope of the application. Although it is larger than the two buildings it replaces it will be in the same location (albeit a larger footprint) and therefore it is not considered so harmful to the Green Belt to justify a refusal on these grounds. It is a typical domestic building within a domestic curtilage, viewed within the context of the domestic setting and therefore it is not considered to result in excessive harm.

#### Stable Extension

The proposal is within a small built up corner of the site and sees the removal of two existing buildings to facilitate its positioning. The stable extension will be viewed within the context of the group of buildings in this 'yard' area and not considered to have a detrimental impact on this part of the Green Belt.

Addressing the comments from the Parish Council regarding the concern that the stables should be built first then the garage so that the impact on the Green Belt is minimal. Although legal agreements are occasionally used to agree phasing, in this case this is considered unnecessary as the assessment of both elements have found no excessive harm.

### Impact on Neighbouring Amenity

The garage element is some distance from neighbours and no amenity concerns are raised. With regards to the stable extension, this will be located on the boundary with Coach House Stables, but provided the appearance is acceptable (as above) it is not considered to result in any excessive amenity concerns.

### Response to Comments Received

A condition restricting the use of the garage is acceptable given this is a Green Belt location, as is the request for the proposal being carried out in accordance with the approved plans to avoid any additional windows/openings.

The covenant is noted but this is separate to planning legislation, in any event this application is not for any change of use.

### Conclusion:

The proposal is considered on to comply with relevant planning policy and it is recommended that planning permission with conditions 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: Marie-Claire Tovey***

***Direct Line Telephone Number: 01992 564414***

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

# Epping Forest District Council



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Application Number:	EPF/0755/21
Site Name:	Former Police Station 230 High Street Epping CM16 4AP
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/0755/21
<b>SITE ADDRESS:</b>	Former Police Station 230 High Street Epping CM16 4AP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Irfan Umarji
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of ground floor and basement of former Police Station to Use Class E (Commercial, Business and Service). (Revised scheme to EPF/2746/20).
<b>RECOMMENDED DECISION:</b>	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=649955](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=649955)

**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: TS19-193-1, TS19-193-2, TS19-193-3, TS19-193-4, TS19-193-5, TS19-193-6, TS19-193-7, 2020 001/01, 2020 001/02, 2020 001/05 Rev D, and 2020 001/06.
- 3 The use hereby permitted shall not be open to customers / members outside the hours of 8am to 11pm on Mondays to Sundays and Bank Holidays.
- 4 No service deliveries or waste collection, shall be taken at or despatched from the site outside the hours of 8am to 9pm on Mondays to Sundays (Including Public/Bank Holidays).

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

**Site and Surroundings**

The site comprises of a ground floor unit of the former Police Station on Epping High Road which is a primary frontage area. Approval has been given for residential flats situated above the unit, and the building is not listed although it is within a Conservation Area (CA). The Police Station ceased in April 2016 and the premises has remained closed since.

## **Proposal**

The proposal is for change of use from Sui Generis use (Police Station) to Class E use (Commercial, Business, Service).

The proposed opening hours are from 8am –11pm Mondays to Sundays. The former police station employed approx. 20 Full time Equivalent staff; however, as the end-user is currently unknown, so, is the proposed employees.

The site has no on-site parking provision, although makes provision for 9 cycle spaces & refuse storage to the rear of the site, which is accessed via Star Lane. Also, any refuse collection & servicing would be carried out via Star Lane.

## **Relevant Planning History**

EPF/2746/20 - Change of use of ground floor and basement of former police station to Use Class E (Commercial, Business and Service) and ground floor rear extension – Refused on harm to CA from proposed rear extension only.

EPF/0885/20 - Prior Approval application for a proposed change of use of first and second floors from office (B1) to x4 no. one bedroom flats and x1 no. two bedroom flat (C3) – Prior Approval Required and Granted.

## **Development Plan Context**

### *Local Plan and Alterations 1998 & 2006 (LP)*

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

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

CP7	Urban Form and Quality
TC1	Town Centre Hierarchy
DBE9	Loss of Amenity

### *National Planning Policy Framework 2021 (Framework)*

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 81  
 Paragraph 86  
 Paragraph 130

*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<sup>th</sup> 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 2<sup>nd</sup> 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications (MMs), significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

<b>Policy</b>	<b>Weight afforded</b>
DM9 High Quality Design	Significant
E2 Centre Hierarchy/Retail Policy	Significant
P1 Epping	Significant

## **Summary of Representations**

Number of neighbours consulted: 22. 72 response(s) received  
Site notice posted: Yes

MULTIPLE OBJECTIONS RECEIVED – Summarised as:

- Concerns regarding other possible changes within Class E that would generate traffic, noise, litter, odour and general disturbances.

EPPING TOWN COUNCIL – No objection

## **Planning Considerations**

The main issue for consideration in this case are;

- a) The principle of the proposal in the Town Centre including whether it would maintain the vitality and viability of the Town Centre; and
- b) The Impact on the Integrity of the Epping Forest Special Area of Conservation.

### **Vitality & Viability**

The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system. The NPPF sets out the core planning principles which should underpin decisions and notes that planning should, amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the development needs of an area and respond positively to wider opportunities for growth.

The proposal would generate footfall, maintain the diversity, vitality and viability of the town centre, and complement existing uses within the Primary Frontage area.

Parking on the main road is controlled and Epping Station, including a Car Park, is within walking distance of the unit. The limited scale of the development and low intensity of the use would be more attractive to non-car users. So there would be no parking issues.

Furthermore, it is considered that the proposed opening hours are acceptable, given that the previous use operated 24/7 (as expected given the nature of the use), and will ensure that there is an active frontage that contributes to the daytime and night-time economy, thereby enhancing the vitality and viability of the Town Centre, in line with Paragraph 86 of the Framework.

Concerns have been raised regarding the flexible uses within Class E that the business owner can adapt to should the needs of the local community change, in particular the sale of hot food and drink (including consumption) on the premises which was previously A3 use. Much of the comments make reference to a 'McDonalds' as the proposed end-user, however, in the interest of clarity, the end-user is currently unknown. Members do have the ability to impose a condition restricting such use if deemed necessary, if relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Furthermore, the Council Conservation Officers have raised no objections to the scheme, as this application does not seek to alter the external façades of the building but internal changes in the form of the removal of stud work walls on the ground floor are proposed, so, the main historic layout is retained.

### Epping Forest Special Area of Conservation (EFSAC)

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows;

- The development has the potential to result in a net increase in traffic using roads through the EFSAC and therefore could have a likely significant effect on the EFSAC in relation to the atmospheric pollution impact pathway.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to the atmospheric pollution Pathway of Impact.

#### **Stage 2: 'Appropriate Assessment'**

The applicants have submitted a Technical Note which lacks in a few areas, namely not taking into account all of the uses associated with Class E, as such it is considered that the application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from the two strategic employment allocations at Dowding Way and North Weald Airfield. As such no additional site-specific measures are required for this scheme, and the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC.

## **Conclusion**

In broad planning terms, the proposal seeks to provide an active frontage, whilst supporting the Framework's objectives of building a strong, competitive economy, and ensuring the vitality and viability of the Town Centre.

For the reasons set out above having regard to all the matters raised, it is recommended that conditional planning permission be granted.

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

***Planning Application Case Officer: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415***

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

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# Epping Forest District Council



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Application Number:	EPF/0782/21
Site Name:	40 Stonards Hill Epping CM16 4QH
Scale of Plot:	1:1250

**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/0782/21
<b>SITE ADDRESS:</b>	40 Stonards Hill Epping CM16 4QH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr F Jamieson
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing shed/outbuilding and Extension and conversion of existing rear garden outbuilding to create annexe accommodation. (Revised application to EPF/2774/20).
<b>RECOMMENDED DECISION:</b>	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=650040](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=650040)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 18065\_001 Rev 1 and 10865-110.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The annexe hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as 40 Stonards Hill and shall not be used for any primary residential accommodation.
- 5 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 E of Part 1 to schedule 2 shall be undertaken.
- 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 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Tim Moya Associates drawing number 190311-P-22 dated July 2021 unless the Local Planning Authority gives its prior written approval to any alterations.
- 8 Prior to any above ground works, details of two replacement trees, including positions species and planting size(s) and a timetable for implementation (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree 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.
- 9 Prior to preliminary ground works taking place, details of 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.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than five were consulted, a majority of those consulted object) 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 is a large detached dwelling of a mock-Georgian vernacular, at the south eastern end of Stonards Hill. The dwelling forms the end of a row of houses, constructed in the late 1960's which comprise the Theydon Grove estate. At present the main house forms a closure to the end of the development along Stonards Hill and Theydon Grove, with the Metropolitan Green Belt spreading into its garden, but not surrounding the house and its immediate curtilage. To the east of the dwelling is an associated large detached garage, with access directly from Stonards Hill.

**Description of Proposal:**

Removal of existing shed/outbuilding and Extension and conversion of existing rear garden outbuilding to create annexe accommodation. (Revised application to EPF/2774/20).

**Relevant History:**

EPF/1084/87 - Garage. – Grant Permission (with conditions).

EPF/0452/88 - Garage (revised details). – Grant Permission (with conditions).

EPF/0935/96 - Change of use and conversion of existing garage and outbuilding to granny annexe. – Grant Permission (with conditions).

EPF/0500/19 - Proposed demolition of existing garage/annexe, removal of swimming pool, hardstanding, numerous outbuildings and the erection of a detached two-and-a-half storey dwelling. – Refuse Permission.

EPF/2774/20 - Extension and conversion of existing rear garden outbuilding to create annexe accommodation. – Refuse Permission.

**Policies Applied:**

*Adopted Local Plan:*

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

DBE4 – Design in the Green Belt

DBE8 – Private amenity space

DBE9 – Loss of amenity

LL10 – Adequacy of provision for landscape retention

*NPPF:*

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*

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 2<sup>nd</sup> 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
SP1 - Presumption in Favour of Sustainable Development	Significant
DM3 - Landscape character, ancient landscapes and geodiversity	Significant
DM4 - Green Belt	Significant
DM5 - Green and Blue Infrastructure	Significant
DM9 - High quality design	Significant
DM10 - Housing Design and Quality	Significant

### **Consultation Carried Out and Summary of Representations Received**

**Site notice posted:** No, not required

**Epping Town Council:** No Objection. However, Committee request a condition be placed on this application that this proposed development is an ancillary building to the applicant's dwelling and does not become a separate property in the future.

**EFDC Land Drainage:** No objection to planning application in principle, subject to the approval/implementation of the requirements set out by this team.

**Number of neighbours consulted:** 9

**Number of responses received:** 8

6 – Objections

2 – Comments

## OBJECTIONS

85 THEYDON GROVE

14 WOODBERRY DOWN

41 THEYDON GROVE

2 WEDGEWOOD CLOSE

3 WEDGEWOOD CLOSE

38 STONARDS HILL

Objections summarised as follows –

- Loss of views
- Impact on the Green Belt
- Out of character with the surrounding area
- Overlooking
- Loss of amenity
- Harm to the design and historic value of the Theydon Grove Estate
- Impact on wildlife corridor
- Would set a precedent

## COMMENTS

EPHING SOCIETY, 24 STONARDS HILL

83 THEYDON GROVE

Comments summarised as follows –

- Doesn't appear to be a difference in the impact of the previously refused application and this current application on the Green Belt.
- Is not subservient
- If approved, it must be conditioned to be subsidiary to the main dwelling

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

The main issues to consider are the design, impact on the Metropolitan Green Belt impact on neighbouring amenity and impact on the blanket TPO situated on the land abutting the rear boundary line.

#### Design

The proposal is acceptable, it is simple in design and is in keeping with the main dwelling and the materials match that of the existing building. Therefore the proposal complies with policies CP2 and DBE10 of the Adopted Local Plan 1998, policies SP7 and DM10 of the LPSV 2017 and the NPPF 2019.

### Impact on Neighbouring Amenity

Due to the distance between the proposal and the closest neighbouring property, it would not impact on living conditions of neighbouring properties by reason of overbearingness, loss of light (daylight and sunlight) or loss of outlook. The proposal therefore does comply with policies DBE9 of the Adopted Local Plan, DM9 of the LPSV 2017 and the NPPF 2019.

### Green Belt

Policy GB2A permits residential extensions within the Green Belt provided they are considered limited. The proposal is for an extension to an existing garage/annexe outbuilding, the extension would amount to less than 50% increase in volume, additionally the application includes the demolition of an existing outbuilding measuring 13.83 m<sup>3</sup> as mitigation. The proposal has been reduced in volume following a previous refusal. Permitted Development rights for Class E will be removed via condition to ensure the outbuilding is not rebuilt following approval. The proposal would not have an adverse impact on the openness of the Green Belt. The proposal therefore complies with policies GB2A of the adopted Local Plan, DM4 of the LPSV 2017 and NPPF 2019.

### Trees

The tree and Landscape Officer raised no objection to the application. In order to facilitate development, two trees are shown to be removed. Two replacements will be required to ensure that there is no loss in green infrastructure on the site. As such, there is a request for conditions.

### Other Matters

Photographic evidence has been submitted to show that the garage building has already been converted from a garage to an annexe under the 1996 permission. Therefore this proposal would not introduce a new annexe to the site, but simply enlarge the existing.

### **Conclusion:**

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

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

***Planning Application Case Officer: Zara Seelig  
Direct Line Telephone Number: 01992 564379***

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

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