

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 17th August, 2022**

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

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 17th August, 2022**
at **7.00 pm** .

Georgina Blakemore
Chief Executive

Democratic Services
Officer

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

Members:

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, D Plummer, R Pugsley, M Sartin and S Yerrell

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. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage https://eppingforestdc-self.achieveservice.com/service/Member_Contact to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 18 May 2022.

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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.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/0313/22 - LAND AND GARAGE ADJACENT TO TRAVELLERS FRIEND PH CAR PARK, EPPING ROAD, EPPING GREEN, EPPING (Pages 13 - 24)

To consider the attached report on proposed replacement of domestic double garage with a single storey one bedroom dwelling.

10. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

- (a) disclose any facts or matters on which the report or an important part of the

report is based; and

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

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

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

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 West 2022-23
 Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Heather	Cllr Stocker	Cllr Avey	Cllr Bassett	Cllr Pugsley
Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Lea	Cllr Lucas
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey North East	Waltham Abbey North East
				
Cllr Leppert	Cllr Yerrell	Cllr H Kane	Cllr Plummer	
Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee West	Date:	Wednesday, 18 May 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 7.44 pm
Members Present:	Councillors S Heather (Chairman), R Bassett, H Kane, S Kane, J Lea, J Leppert, R Pugsley, D Stocker and S Yerrell		
Apologies:	Councillors N Avey and M Sartin		
Officers Present:	J Godden (Heritage, Enforcement & Landscaping Team Manager), J Leither (Democratic Services Officer) and A Buckley (Higher Level Apprentice (Internal Communications))		
Officers Present (Virtually):	A Hendry (Democratic Services Officer)		

52. 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.

53. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

54. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Code of Member Conduct, Councillor S Heather declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Lea Valley Regional Park Authority. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2425/21 – Sedge Gate Nursery, Sedge Green, Nazeing EN9 2PA

55. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 13 April 2022 be taken as read and signed by the Chairman as a correct record.

56. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

57. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

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

58. SITE VISITS

A site visit had been carried out by the Sub-Committee on the 17 May 2022.

59. PLANNING APPLICATION - EPF/2425/21 SEDGE GATE NURSERY, SEDGE GREEN, NAZEING, WALTHAM ABBEY EN9 2PA

APPLICATION No:	EPF/2425/21
SITE ADDRESS:	Sedge Gate Nursery Sedge Green Nazeing Waltham Abbey EN9 2PA
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of use from horticultural use to 14 warehouse units.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=657256

REASON FOR REFUSAL

- 1 The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale, height, bulk and activities associated with such a development would result in a visually more conspicuous, prominent and intrusive impact on the rural character of the Green Belt. Whilst there are considered benefits to the proposed development they cannot be justified in terms of 'very special circumstances' that would outweigh the harm identified and is contrary to policy DBE1, GB7A and GB2A of the adopted Local Plan and Alterations (2006-2008), and with policy DM4 of the Epping Forest Local Plan (Submission Version), 2017 and with the Green Belt objectives of the NPPF, 2021.
- 2 The development by reason of its design, scale, height, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and also a loss of light, intrusive and overbearing impact, to Sedge Gate House. Such substantial harm to the

living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers.

Way forward – reduce the height and scale of the buildings, move them away with the boundary of Sedge Gate House and introduce a landscape boundary

CHAIRMAN

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OFFICER REPORT

Application Ref: EPF/0313/22
Application Type: Full planning permission
Applicant:
Case Officer: Sukhvinder Dhadwar
Site Address: Land and garage adjacent to Travellers Friend PH car park
Epping Road
Epping Green
Epping
CM16 6PU
Proposal: Proposed replacement of domestic double garage with a single storey one bedroom dwelling.
Ward: Broadley Common, Epping Upland and Nazeing
Parish: Epping Upland
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyS0>
Recommendation: Refuse

This application is before this Committee since it has been 'called in' by Councillor Nigel Avey (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The site covers an area of 173 sqm and contains a double garage. The garage is accessed via an existing crossover and has an area of 31 sqm. The land to the rear of the garage is grassed with no trees and is enclosed by a 1.85m high brick wall on two sides.

The site is a small infill plot located between the Travellers Friend Car Park (40 spaces) to its eastern boundary and a Barn/outbuilding forming part of the gardens to Sunset and Fortune Cottages to its western boundary. Immediately opposite the site is the Travellers friend Public House and a number of cottages including Lilac Cottage, Walnut and Hazel Cottages. To the north are open fields.

The site is accessed directly from the Long Green. Although this road is not adopted, it does have a public footpath on it. The Public Right of Way no. 45 runs from footpath 74 Nazeing in a north-easterly direction to junction of footpath 44 at the parish boundary with intermediate crossings to footpath 4 and footpath 19 across Epping Long Green.

The site falls within land designated as Green Belt.

Description of Proposal:

Permission is sought for the replacement of a domestic double garage with a single storey one-bedroom dwelling.

Relevant History:

Refusal under reference EPF/1653/20 for the change of use from non-commercial vehicle storage to single storey dwelling with conservatory extension and single car parking space due to inappropriate development in the Green Belt.

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
CP4 – Energy Conservation
CP5 – Sustainable building
CP6 – Achieving sustainable urban development patterns
CP7 – Urban Form and Quality
CP9 – Sustainable transport
GB1 – Green Belt Boundary
GB2A – Development in the Green belt
RP4 – Contaminated land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL9 – Felling of preserved trees
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
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

NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)

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

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

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

EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

Policy Weight afforded

SP1 - Presumption in Favour of Sustainable Development - Significant

SP2 - Spatial Development Strategy 2011-2033 - Significant

SP3 - Place Shaping - Significant

SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure - Significant

H1 - Housing Mix and Accommodation Types - Significant

H2 - Affordable Housing - Significant

H3 - Rural Exceptions - Significant

H4 - Traveller Site Development - Significant

E1 - Employment Sites - Significant

E2 - Centre Hierarchy/Retail Policy - Significant

T1 - Sustainable Transport Choices - Significant

DM1 - Habitat Protection and Improving Biodiversity - Significant

DM2 - Epping Forest SAC and the Lee Valley SPA - Significant

DM3 - Landscape Character, Ancient Landscapes and Geodiversity - Significant

DM4 - Green Belt - Significant

DM5 - Green and Blue Infrastructure - Significant

DM9 - High Quality Design - Significant

DM10 - Housing Design and Quality - Significant

DM11 - Waste Recycling Facilities on New Development - Significant

DM14 - Shopfronts and On Street Dining - 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: 4

Responses received as follows:-

SUNSET COTTAGE: OBJECTION: There is inadequate parking provision for the proposed change. The application document states that there are 2 cars currently parked here – if this garage changes to a house where will these cars park? Secondly, it states that when converting the dwelling will have 1 parking space for the homeowner and 1 for visitors – this is inadequate as 99% of the houses within Epping Green have 2 cars; therefore, I cannot see how this will be different?

How can construction work be carried out with such limited space when it is enclosed on all 3 sides? Where will materials be unloaded without causing the private road to be blocked?

The height of the new building would be nearly twice the height of the existing garage and be covered with solar panels & rooflights. This is not in keeping with the local area as suggested in the application as the roof tiles would not be visible due to the amount of solar panels & glass. This would become an eyesore of a structure if planning permission was granted

PARISH COUNCIL: Epping Upland Parish Council object to this application on the basis that there remains a lack of clarity over the site ownership, concerns about drainage and wastewater treatment and/or contamination, concerns about asbestos in the building fabric, concerns about contractors' vehicles blocking already narrow roadways and the lack of parking availability.

CLLR AVEY CALL IN: I have been contacted by the residents who have made this application, as it is located in my Ward.

I wish to advise you that If the application is refused under delegated powers, I would like to call in the application to the planning committee (Plans West).

Main Issues and Considerations:

Background

This application is an amendment to the previously refused application under reference EPF/1653/20.

The previous application was refused on the grounds that the site did not fall within a village. The construction of a dwelling in this location was considered inappropriate development and as such is contrary to the requirements of paragraphs 149 and 150 of the NPPF.

The emerging local plan has gone through a series of modifications since the Inspectors Advice Note after the hearings of examination on the emerging Local Plan.

Looking at the Green Belt reason for refusal, work undertaken on the main modifications of the Submission Version Local provides further clarification on this issue.

Spatial Strategy

Policy SP 2 Part C (i) (changed to part D (i) in the Main Modifications) states that:

New homes will be delivered by:

i) *'permitting development proposals within the defined settlement boundaries where they comply with all other relevant policies of the Local Plan'.*

The implications of this policy were made clear in the pre-hearing statement on 'Matter 11 Housing (April 2019)' when the Council stated at paragraph 40 that:

'The intention of Policy SP 2 C (i) is that windfall sites proposed on land within the Green Belt will not normally be permitted, unless the development is a windfall site for affordable housing where a need has been demonstrated as provided for in Policy SP 2 C (iii).'

The preamble to Policy H 3 effectively restates this position in the Main Modifications at paragraph 3.17 when it notes that:

'A significant part of the District is rural in nature and designated as Green Belt. In accordance with Policy SP1 D(i) (previously C (i)), development in such areas, if not specifically allocated for residential development within this Plan, would not normally be granted planning permission....'

However, Part A (viii) of Policy SP 2, in regard to providing new homes, states in the Main Modifications that the Council will:

"Enable small scale sites in rural communities to come forward where there is a clear demonstrable local need which supports the social and economic well-being of that community."

Therefore, the spatial strategy is clear that windfall development in rural communities in the Green Belt is not normally permissible unless there is a 'clear demonstrable local need which supports the social and economic well-being of that community.'

Green Belt policy: 'limited infilling in villages'.

The NPPF lists one the exceptions to inappropriate development in Green Belt as being 'limited infilling in villages' (paragraph 149 e).

EFDC legal advice states that what constitutes a 'village' has not been precisely defined and that the courts have generally taken a view that a 'village' can be defined broadly.

Policy DM 4 of the emerging local plan does not reflect the wording of the NPPF in relation to infilling in a village being an exception to what would otherwise be considered inappropriate development in the Green Belt.

Instead Policy DM 4 in the 2017 LPSV states at DM 4 (v) that 'limited infilling in smaller settlements...' is an exception to inappropriate development. In the Main Modifications it is proposed that this is changed to 'limited infilling in rural communities....'

The glossary in the AM schedule defines rural communities as 'the existing localities in the District that are not defined as 'Settlements' in Table 5.1.'

Table 5.1 defines settlements as either towns, or large or small villages, and lists them by name. All of these settlements are inset settlements within the District; therefore, Green Belt policy does not apply to them.

Therefore, Policy DM 4 which relates to the Green Belt does not apply to those settlements the LPSV has defined as 'villages'. Instead it applies to those localities that are identified as 'rural communities'. 'Rural communities' are the only localities that Green Belt policy refers to and must be localities other than the settlements, identified as towns, and large and small villages, listed in table 5.1 of the LPSV.

The LPSV does not specifically name these 'rural communities'. But EFDC legal advice states that 'Green Belt policy refers to those settlements that are none of the towns or large and small villages – in the settlement hierarchy these settlements would include all those listed as hamlets.

In the Settlement Hierarchy Technical Paper (SHTP) 2015, Epping Upland is listed as one of these hamlets.

Therefore, policy DM 4 (v) allows for infill within rural communities, which include hamlets, of which Epping Upland is one. Limited infilling (or any other rural community within the District) is therefore one

of the exceptions to inappropriate development in the Green Belt and an application for an infill development could be acceptable on that basis.

It might be felt that this conclusion does not accord with national policy in the NPPF which says that limited infilling in 'villages' is an exception to inappropriate development in the Green Belt, and that Epping Upland is too small / does not have enough services to qualify as a village. However, Epping Upland is clearly a rural community and policy DM 4 clearly allows for limited infilling in rural communities. As EFDC legal advice states, the courts take a broad view of how 'village' is defined, and this broader definition could encompass a rural community such as Epping Upland. Furthermore, if policy DM 4 (v) is not taken to mean 'village' in a broader (NPPF) as opposed to a more specific (LPSV) sense, then DM4 (v) has no policy function as there are no rural communities that would constitute villages in the District and therefore nothing for the policy to be applicable too.

Therefore, in regard to Green Belt policy, limited infilling in Epping Upland is acceptable under policy DM 4 (v) and the NPPF paragraph 49 e), as long as the proposed development is compliant with all other relevant policies that are applicable to the development proposal.

Conclusion:

Whilst the spatial strategy of the emerging Plan is clear that windfall development in the Green Belt is not normally permissible unless there is a 'clear demonstrable local need which supports the social and economic well-being of that community' (Policy SP 2 Part A (viii)), limited infilling is permissible in rural communities (of which Epping Upland is one) in the Green Belt in the District, under policy DM 4 (v) and the NPPF paragraph 49 e).

The stage the emerging Plan is at in the local plan examination process means that the weight to be attributed to the emerging Plan is near the most substantial end of the spectrum in accord with paragraph 48 of the NPPF.

The proposed change to DM 4 Part C (v) from 'smaller settlements' to 'rural communities' is part of the Main Modifications which the Plan Inspector is still considering. However, the issue was raised by the Plan Inspector during the examination process and considered at Matter 11 of the Hearing stage of the Plan and no objection or further amendments were raised to the change by the Inspector. In the Main Modifications consultation one objection has been raised to the change, as the consultee felt that it did not reflect policy in the NPPF in regard to infilling in villages in the Green Belt. However, as outlined above, 'village' as referred to in the NPPF is considered to encompass 'rural communities' as defined in the emerging Plan, and therefore proposed Policy DM 4 Part C (v) is in fact in alignment with national policy in the NPPF paragraph 49 e) on this matter.

Given that areas defined as 'Rural Communities' within the SVLP are considered to the equivalent of Villages for the purposes of paragraph 149 of the NPPF.

Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 149 and 150 of the National Planning Policy Framework (NPPF) and provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is 145(e) 'limited infill within a village'.

For the reasons outlined in the Spatial Strategy section of this report it is considered to be located within a village.

The second limb of this exception is whether the development is 'limited infilling.'

Policy DM4 of LPSV defines limited infilling as "*The development of a small gap in an otherwise continuous built up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. Limited infilling should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.*"

In this case, there was a clear visual break and distinction between the more densely built-up area of Epping Upland and a looser and more sporadic development leading from it and within the Green Belt, to which this site is clearly a part of. The application site is located on a private road leading to a farm, the site adjoins the rear garden of Fortune Cottage with an outbuilding recessed further north of the existing application garage building and the front elevation of this neighbour facing westwards away from the application site. There is housing to the south of this private road. The side of the Cock and Magpie Pub is outside of Green Belt and whilst the rear garden of 2 Lilac Cottages is within the Green Belt, since its principle elevations do not face the application property, they too cannot be considered enclose the site. The car park to the east does not contain built structures. Since the existing buildings surrounding the site does not form a consistent built form enclosing the application site any additional development on this site cannot meet the definition of limited infill.

Furthermore, the width of the plot is much smaller than neighbouring plots and therefore is not characteristic of the surrounding area. The application site is therefore not in a continuous frontage and the development does not meet the definition of 'limited infilling' and as a consequence the proposal does not meet the requirements of exception 145(e) of the NPPF.

The existing double garage used for storage (B8) has an area of 31.4 sq. m (5.67m wide by 5.5m deep) and 2.7m high to the ridge of its gable roof.

The proposed house measures and area of 67.6 sqm and had a height of 4.8m. Since the floorspace and height are roughly double that of the existing building and is in a different use, it also fails to meet the requirements of exception 149 (d) of the NPPF. It would also not meet all other exceptions listed in paragraphs 149 and 150 of the NPPF. It is therefore inappropriate development by definition.

This additional volume simply by its physical presence along with the additional domestic paraphernalia will undermine the openness of the site and as such the proposal is contrary to the requirements of it is therefore contrary to the requirements of the NPPF, GB2A of Local Plan and DM4 of the Submission Version Plan.

Design

Whilst the replacement building will increase in volume in comparison to the existing structure, the width of the plot is much smaller than neighbouring plots and therefore is not characteristic of the surrounding area. Nonetheless, given the single storey nature of the building, and the use of materials that are in keeping with the local vernacular, it is not considered that the proposal will have such a significant harm to the character and appearance of the area as to justify refusal on this matter alone. The objection to the use of solar panels is noted, however since they will follow the slope of the roof and will improve the energy efficiency of the house, they are considered acceptable. Details around soft landscaping can be controlled by condition. It is on this basis that the proposal complies with the requirements of chapter 12 of the NPPF and policy DBE1 of the Local Plan.

The proposal was reviewed by the Sustainability Officer, who in summary advised that the sustainability strategy should look to reduce the scheme's embodied and operational carbon; on site renewable energy sources should provide higher reduction of the scheme's carbon emissions. It is therefore recommended that a condition be attached to any permission which demonstrates how this requirement

will be met. It is on this basis that the proposal complies with the requirements of DM 20 of the Submission Version Local Plan.

Quality of resulting residential accommodation

The internal space of the unit is acceptable. Plans have also been amended since the previous refusal to show rooflights providing light for the kitchen diner and hallway areas. The proposal therefore accords with the requirements of policy DM 10 of the Submission Version Local Plan.

Impact on neighbouring amenity

All neighbouring properties are sufficiently distant as to ensure that their living conditions will not be excessively affected in terms of light, outlook, dominance or privacy. The proposal therefore complies with the requirements of policy DBE 9 of the adopted Local Plan and DM 9 (H) of the SVLP.

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

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

Parking and Access

The proposal will provide a 1-bedroom dwelling with 2 car parking spaces and as such the Essex parking standards will be met. No objections have been raised by the Highways Authority as the proposal provides appropriate vehicle parking and turning for the development and the access will have appropriate visibility onto Epping Road. The proposal therefore accords with the requirements of ST4 and ST6 of the Local Plan along with T1 of the SVLP.

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 concludes that there are two Impact Pathways whereby development within the Epping Forest District is likely to result in significant effects on the EFSAC. The Impact Pathways 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 parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Impact Pathways identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Impact Pathways 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:

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

This application has been screened in relation to both the recreational pressures and air quality Impact Pathways and concludes as follows:

The site lies outside of the 3km 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 will not result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

Since the existing use of the site is as a garage with space for 1 more car parking space within the front forecourt, it is considered that the proposal will not result in a net increase in traffic using roads through the EFSAC. Therefore, the proposal will not result in a likely significant effect on the integrity of the EFSAC as a result of atmospheric pollution.

The application was reviewed by the Council's transport consultants who advised that:-

While the methodology applied within the Traffic Impacts Relating to Habitats Regulations Assessment (TIR-HRA) is not accepted and we could request the applicant/agent to resubmit the HRA analysis utilising industry standard techniques, the proposal to replace the double garage with a single residential property falls within the windfall category and is not expected to result in a material increase in the AADT movements within the EFSAC given the scale and location of the development.

As such, on balance the assessment satisfies the HRA requirements and that the defined EFDC obligations for residential development are applied including EV charging on all onsite parking spaces and the contribution per unit.

On this basis the Council is satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC subject to the standard mitigation. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

Notwithstanding the above, since there is currently no legal agreement to secure the necessary mitigation measures, the proposal does not currently address the resulting impacts on air quality and therefore is contrary to policy DM 2 and DM 22 of the SVLP.

Land Drainage

The Land Drainage Team have no objection to the proposal subject to suitable conditions requiring foul and surface water details to be agreed before the commencement of works. This is a reasonable and necessary condition to impose.

Contaminated Land.

The Contaminated Land Officer has reviewed this application and considers that due to the existing use of the site and sensitive nature of the proposed use further investigation needs to be carried out. He therefore recommends that that further conditions be attached to any permission to safeguard future occupiers in accordance with Paragraphs 120-124 of the NPPF and policy RP4 of the Local Plan (1998/2006).

An informative regarding how to remove asbestos is also recommended as this matter is outside the scope of planning legislation.

Other Matters

A construction management condition is recommended to minimise noise and disturbance to neighbours.

The agent has signed certificate A on the application form which indicates that the applicant is the owner of the site. Since land ownership is a civil matter and no person has come forward to refute this claim, Officers have accepted this declaration.

Conclusion

The proposal constitutes inappropriate development in the Green Belt, as the site is not considered to meet the definition of an 'infill plot' within a village. There are no very special circumstances sufficient to outweigh this and any other harm from the development. Therefore, it is recommended that planning permission be refused.

In the absence of a completed S106 Agreement, the Council is unable to secure relevant financial contributions relating to air pollution mitigations in lieu of the Epping Forest Special Area of Conservation, and therefore the proposal is contrary to policies DM 2 and DM 22 of the SVLP.

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

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

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

Refusal Reason(s): (2)

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. The proposal falls outside of the list of exceptions contained within paragraphs 149 and 150 of the NPPF. 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 DM 4 of the Submission Local Plan.
- 2 In the absence of a completed S106 Agreement, the Council is unable to secure relevant financial contributions relating to air pollution mitigations in lieu of the Epping Forest Special Area of Conservation; and therefore the proposal is contrary to policies DM 2 and DM 22 of the Epping Forest Local Plan (Submission Version) 2017, and with the requirements of the National Planning Policy Framework (2021).

Informatives: (1)

3 This decision is made with reference to the following plan numbers:

Traffic Impacts relating to Habitats Regulations Assessment, Planning Statement, Sustainability Checklist, Sustainability Statement Phase 1 Site Investigation and Preliminary Risk Assessment by Remada September 2020 742.01.01, 22/002/01, 22/002/02, 22/002/03, 22/002/04, 22/002/05.

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