

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 4th January, 2023

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

Council Chamber - Civic Offices
on **Wednesday, 4th January, 2023**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

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

Members:

Councillors I Hadley (Chairman), H Brady (Vice-Chairman), C Amos, R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, 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 564542.

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

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

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

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

Members are reminded to activate their microphones before speaking”.

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 - 18)

To confirm the minutes of the last meeting of the Sub-Committee held on 30 November 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/0332/22 ROSARIO, HIGH ROAD, THORNWOOD, EPPING CM16 6LU (Pages 19 - 42)

To consider the attached report on the outline application for proposed demolition of existing buildings followed by comprehensive development of up to 62 new homes (inclusive of 40% onsite affordable housing), landscaping, community orchard, new access, parking and circa 1.9 ha of public open space.

10. PLANNING APPLICATION - EPF/1323/22 COOPERSALE HALL FARM, UNIT 10, FLUXS LANE, EPPING CM16 7PE (Pages 43 - 52)

To consider the attached report on the conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager. (Revised application to EPF/3076/20).

11. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any

currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

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

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

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

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

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

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee East	Date:	Wednesday, 30 November 2022
Place:	Council Chamber - Civic Offices	Time:	7.00 - 8.26 pm
Members Present:	Councillors R Balcombe, N Bedford, P Bolton, L Burrows, P Keska, C McCredie, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse		
Members Present (Virtually):	None		
Apologies:	H Brady, C Amos and B Rolfe		
Officers Present:	J Leither (Democratic Services Officer), N Cole (Corporate Communications Officer) and J Rogers (Principal Planning Officer)		
Officers Present (Virtually):	G Courtney (Planning Applications and Appeals Manager (Development Management)), L Kirman (Democratic Services Officer) and I Ansell (Senior Planning Officer)		

42. 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.

43. 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.

44. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1400/20 – Upper Clapton Rugby Football Club, 61 Upland Road, Epping Upland, Epping CM16 6NL

- b) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following items of the agenda by virtue of knowing the applicants. The Councillor had determined that he would leave the meeting for the consideration of the application and voting thereon:
- EPF/0674/22 - 4 Theydon Priory, Coopersale Lane, Theydon Garnon, Epping CM16 7NU; and
 - EPF/0676/224 Theydon Priory, Coopersale Lane, Theydon Garnon, Epping CM16 7NU
- c) Pursuant to the Council's Members' Code of Conduct, Councillor C Whitbread declared a non-pecuniary interest in the following item of the agenda by virtue of having family members belonging to the club. The Councillor had determined that she would remain in the meeting for the consideration of the application and voting thereon:
- EPF/1400/20 – Upper Clapton Rugby Football Club, 61 Upland Road, Epping Upland, Epping CM16 6NL
- d) Pursuant to the Council's Members' Code of Conduct, Councillor J McIvor declared a non-pecuniary interest in the following item of the agenda. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:
- EPF/0332/22 – Rosario, High Road, Thornwood, Epping CM16 7NU

45. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 2 November 2022 be taken as read and signed by the Chairman as a correct record.

46. ANY OTHER BUSINESS

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

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

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

48. SITE VISITS

Councillor C Whitbread proposed a site visit for agenda item 10, EPF/0332/22 – Rosario, High Road, Thornwood, Epping CM16 6LU, which was seconded by Councillor H Whitbread, therefore this item was deferred to the next meeting.

49. PLANNING APPLICATION - EPF/1400/20 UPPER CLAPTON RUGBY FOOTBALL CLUB, 61 UPLAND ROAD, EPPING UPLAND, EPPING CM16 6NL

Application Ref: EPF/1400/20
Application Type: Full planning permission
Case Officer: James Rogers
Site Address: Upper Clapton Rugby Football Club 61 Upland Road Epping Upland CM16 6NL
Proposal: Improvements to existing club infrastructure comprising a new all-weather pitch and relocation of existing floodlights, improvements to the club's function hall, golf range and current car parking including the addition of further car parking spaces and associated development, and enabling development in the form of the construction of 9 no. new dwellings and associated development
Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NypV>
Decision: Deferred

Deferred to District Development Management Committee with a recommendation to refuse planning permission.

50. PLANNING APPLICATION - EPF/0332/22 ROSARIO, HIGH ROAD, THORNWOOD, EPPING CM16 6LU

Application Ref: EPF/0332/22
Application Type: Outline Planning Application
Case Officer: Ian Ansell
Site Address: Rosario High Road Thornwood Epping CM16 6LU
Proposal: Outline Application for proposed demolition of existing buildings followed by comprehensive development of up to 62 new homes (inclusive of 40% onsite affordable housing), landscaping, community orchard, new access, parking and circa 1.9 ha of public open space.
Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NySH>
Decision: Deferred

Deferred for site visit

51. PLANNING APPLICATION - EPF/0674/22 4 THEYDON PRIORY, COOPERSALE LANE, THEYDON GARNON, EPPING CM16 7NU

Application Ref: EPF/0674/22
Application Type: Full planning permission
Case Officer: Caroline Brown
Site Address: 4 Theydon Priory Coopersale Lane Theydon Garnon Epping CM16 7NU

Proposal:	Proposed side extension to the main dwelling.
Ward:	Passingford
Parish:	Theydon Garnon
View Plans:	https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxT
Decision:	Approve with conditions

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: P.01.03; P.00.01; P.00.02 Rev A; P.01.05; P.01.04; P.09.01; P.09.02; P.09.03; Tree Protection Plan

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
- 3 Samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 of the Local Plan Submission Version 2017, and the NPPF.
- 4 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.
- 5 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 6 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

52. PLANNING APPLICATION - EPF/0676/22 4 THEYDON PRIORY, COOPERSALE LANE, THEYDON GARNON, EPPING CM16 7NU

Application Ref: EPF/0676/22
Application Type: Full planning permission
Case Officer: Caroline Brown
Site Address: 4 Theydon Priory Coopersale Lane Theydon Garnon Epping CM16 7NU
Proposal: Carport on owners land.
Ward: Passingford
Parish: Theydon Garnon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxV>
Decision: Approve with Conditions

Conditions: (11)

1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: P.00.01; P.00.02; P.0106 Rev A; P.01.07 Rev A; Tree Survey Plan TCTC.18268.PL.03.02

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 The carport hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors along with incidental storage and for no other purposes.

Reason: It is essential that the carport be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations, Policy T1 of the Local Plan Submission Version 2017, and the NPPF.

4 The carport hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Theydon Priory .

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with policy DBE1 and GB7A; GB2A of the adopted Local Plan 1998 & 2006, Policies

DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 of the Local Plan Submission Version 2017, and the NPPF.

- 6 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the carport hereby approved shall be retained as an open canopy without enclosed doors, capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

Reason:- It is essential that the garage be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with the guidance contained within the National Planning Policy Framework, policy ST6 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017

- 11 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021

Informatives: (1)

- 12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

53. PLANNING APPLICATION - EPF/1298/22 AMESBURY HOUSE, THEYDON ROAD, THEYDON BOIS, EPPING CM16 4EF

Application Ref: EPF/1298/22
Application Type: Householder planning permission
Case Officer: Marie-Claire Tovey
Site Address: Amesbury House ,Theydon Road, Theydon Bois, Epping, CM16 4EF
Proposal: Side extension providing new first floor Master Bedroom over existing garage and rear extension providing Family Room and extension to first floor.
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1lc>
Decision: Withdrawn from agenda

54. PLANNING APPLICATION - EPF/1327/22 6 WILLOW TREE CLOSE, LAMBOURNE, ROMFORD RM4 1BL

Application Type: Householder planning permission
Case Officer: Caroline Brown
Site Address: 6 Willow Tree Close, Lambourne, Romford, RM4 1BL
Proposal: Loft conversion with a dormer on the rear and 3no. roof lights to the front elevation
Ward: Lambourne
Parish: Lambourne
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1L2>
Decision: Approve with Conditions

Conditions (3)

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in colour, style, bonding & texture those of the existing building

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10, HC6 & HC7 of the adopted Local Plan 1998 & 2006, and Policies DM7 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

3. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1010-22-PL001; 002 Rev D; 003 Rev K; 004 Rev H; 005 Rev H; 006; 007 Rev B;

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

Informative(1)

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

CHAIRMAN



Epping Forest District Council

EFDC



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Application Number:	EPF/0332/22
Site Name:	Rosario, High Road Thornwood CM16 6LU

OFFICER REPORT

Application Ref: EPF/0332/22
Application Type: Outline Planning Application
Applicant: Epping Road Ltd
Case Officer: Ian Ansell
Site Address: Rosario
High Road
Thornwood
Epping
Essex
CM16 6LU

Proposal: Outline Application for proposed demolition of existing buildings followed by comprehensive development of up to 62 new homes (inclusive of 40% onsite affordable housing), landscaping, community orchard, new access, parking and circa 1.9 ha of public open space.

Ward: Epping Lindsey and Thornwood Common
Parish: North Weald Bassett
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NySH>
Recommendation: Approve with Conditions (Subject to s106 Legal Agreement)

This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

This decision is also subject to a S106 legal agreement for the following:

- 25 units of affordable housing
- Health Contribution £30,660
- Education – Early Years £96,355, Primary £381,449, Secondary £294,810 (total £772, 614)
- School and Public Transport - £411,392.94
- Libraries - £4,823.60
- Active transport - £26,681
- Provision of signalised junction at Thornwood Road
- Open space and green infrastructure Children and young people = £10,106
- Community facilities £903.81 per dwelling £56,036.22
- SAC mitigation – air quality mitigation = £20,770 - Recreation = £21,267.24
- Provision of 2m wide footways along the frontage and into the site.
- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road.
- Introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.
- Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.

- **Provision of a 28” in shelter stretch display for Real Time Passenger Information for the southbound stop.**
- **Monitoring fees – EFDC 5% of total (£8,276.02)), ECC £550 per contribution (£4,400)**

Additional information:

This application was deferred from the 30th November 2022 meeting for a Members site visit.

Description of Site:

The site is located on land west of High Road, Thornwood and comprises around 4.1 ha total area. Existing buildings comprise a detached two storey dwelling known as Rosario located almost centrally on the road frontage with associated outbuildings predominantly immediately adjacent to the house, and extensive hardstandings. There are other large structures within the grounds of the main house, outbuildings and significant areas of hard surfacing. There are also remnants on site of historic uses including remains of a clay pigeon shooting club use and abandoned vehicles.

The site is situated on the northern end of the Thornwood settlement, in a mixed use area that includes commercial and residential development to the north and south, and Thornwood Springs Trout Fishery and Epping Upper Clapton Rugby Club are to the west.

Existing vehicular and pedestrian access is provided from High Road, Thornwood, and there is a further gated access onto Carpenters Arms Lane to the south.

The site and much of the surrounding area lies within the Green Belt. The eastern part of the site, including all existing buildings, comprising around 1.59ha is allocated in the Local Plan Submission Version for residential development.

Description of Proposal:

The application is submitted in outline and proposes a comprehensive re-development of the site to provide a residential led development. The application seeks only to formalise the extent of the developable area and means of access to the site.

The wider proposed development includes –

- Demolition of existing buildings on-site.
- Development of around 2.2 ha of the total site to provide 62 dwellings (including policy compliant 40% onsite affordable housing). Density and storey height parameter plans indicate a predominantly 2 and 2.5 storey development, with a limited element of 3 storey building.
- New vehicle access from High Road serving the whole development with pedestrian and cycle access to Carpenters Arms Lane
- A new 1.9 ha community public open space with walkways and community orchard, incorporating sustainable urban drainage measures.
- All infrastructure as required, with car parking, cycle stores and refuse areas.
- New landscaping and tree planting throughout.

The application is accompanied by a number of detailed reports including Design & Access Statement, Contaminated Land Report, Flood Risk and Drainage Assessment, Tree and Arboricultural Assessment, Archaeology and Heritage Statement, Energy and Sustainability Report, Transport Assessment, Preliminary Ecological Assessment and Air Quality Assessment.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

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

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

CP1 Achieving Sustainable Development Objectives
CP2 Protecting the Quality of the Rural and Built Environment
CP3 New Development
CP6 Achieving Sustainable Urban Development Patterns
CP7 Urban Form and Quality
GB2A Development in The Green Belt
GB7 Conspicuous Development
NC1 SPA's, SAC's and SSSI's
NC3 Replacement of lost habitat
NC4 Protection of established habitat
RP4 Contaminated land
H2A Previously Developed Land
H3A Housing Density
H4A Dwelling Mix
H5A Provision for Affordable Housing
U3B Sustainable Drainage Systems
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE4 Design in the Green Belt
DBE6 Car Parking in New Development
DBE7 Public Open Space
DBE8 Private Amenity Space
DBE9 Loss of Amenity
LL1 Rural landscape
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST1 Location of development
ST2 Accessibility of development
ST4 Road Safety
ST5 Travel plans
ST6 Vehicle Parking
I1A Planning Obligations

NPPF (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.

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 109, 110, 111, 112
- 11 Making effective use of land – paragraphs 117, 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 127, 130, 131, 132, 135
- 13 Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

Epping Forest District Local Plan (Submission Version) 2017:

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

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

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

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

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

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

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP3	Place Shaping
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
H1	Housing mix and accommodation types
H2	Affordable housing
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM6	Designated and undesignated open spaces
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM20	Low carbon and renewable energy
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality
P11	Thornwood
D1	Delivery of infrastructure
D2	Essential facilities and services
D4	Community. Leisure and Cultural Facilities
D7	Monitoring and Enforcement

Consultation Carried Out and Summary of Representations Received

Date of site visit: 09 May 2022

Number of neighbours consulted: 43

Responses received: Objections have been received from 15 properties including the following:

No. 3, MOOLTAN, NEW HOUSE, PENDRE, RED MEET and THE MEADOWS, CARPENTERS ARMS LANE
39 DUCK LANE
22 ROWLEY MEAD
1, 2 and 3 SMITHS COURT, HIGH ROAD
No.5 and GATE HOUSE, TEAZLE MEAD
37 UPLAND ROAD

Comments cover a range of issues as below:

- Access from Carpenters Arms Lane – most objectors pick up on a comment in the application that access from Carpenters Arms Lane could be used for emergency access. This is opposed as the road is narrow with no footways. Objectors suggest no access, including pedestrian and cycle access, should be provided from this route.
- Traffic and highway issues – matters raised include increased vehicle activity on High Road and local road network, adequacy of the proposed access in relation to highway safety issues due to traffic speeds and lack of safe pedestrian access.
- Level of development in the context of the settlement is considered excessive
- Loss of additional Green Belt land beyond the allocated site
- Question of prematurity ahead of adoption of the Local Plan and any Neighbourhood Plan
- Drainage and flooding concerns arising from existing site conditions and level of built development
- Impact on local infrastructure – schools, doctors etc
- Adequacy of on site parking, risk of overspill parking
- Direct amenity impacts on immediate neighbours – in particular visual impact from Smiths Court and potential overlooking raised by Carpenters Arms lane resident.
- Issues around construction disturbance

Other specific comments have been received from two parties:

Camfaud Concrete Pumps Ltd, northern neighbours to the site comment as under:

As a local business providing employment to the local community for over 30 years, we are concerned that any residential development will raise objections to a long-established Plant Hire Company, offering essential services to the Construction Industry. Due to the nature of our business, we have a large workshop facility carrying out heavy engineering repairs, as well as multiple vehicle movements every day.

We would think it prudent, therefore, that no application is granted without adequate sound protection constructed along the perimeter between Rosario and Camfaud boundaries.

Agent for potential developer of the site opposite the application site (allocated in the LPSV for residential development as site THOR.R1). Discussions have taken place around the relative locations of the site access, including Essex Highways, and the Council should satisfy itself that approving the current application does not preclude development on the other allocated site.

Parish Council: North Weald Parish Council submitted a detailed response, set out below. The Parish Council raised NO OBJECTION to the application subject to the following matters being agreed to make the application acceptable in planning terms:

- The proposal includes an area of Open Space to the west of the proposed site which we understand may not be proposed should only the LPSV allocated site be developed. Agreement should be reached that this green space should remain in perpetuity on site, and to ensure this is the case and to ensure the area is appropriately managed on behalf of the community, a management plan needs to be put forward with stewardship of the area being provided to the Parish Council for an agreed number of years, with an ongoing financial contribution to ensure its maintenance. This would be subject to a formal written Legal Agreement.

- The following points must be negotiated and secured by way of S106 agreements as follows:
 - o The Lowering of the Speed Limit along an agreed section of the B1393 to 30mph, this had previously been looked at by the local highway authority, but we had been advised that would need a small number of additional properties to be built to make it viable for the speed to be lowered to 30mph
 - o The installation of a New Speed Camera close to the Development
 - o A New Pedestrian Crossing along the B1393 close to the Development
 - o New Footways Along the B1393
 - o A New Bus Shelter on the B1393
- The 40% Social Housing MUST be for local Parish Families
- The Parish Council would not support any access, be it on foot, by car, or emergency service access to the proposal site from Carpenters Arms Lane. Carpenters Arms Lane already suffers from significant problems in terms of access, especially since the building of three new homes which have encroached onto the private access road causing safety issues with vehicles both entering and exiting the site.

The Parish Council asks that a meeting takes place with the Parish Council, the Developer, the Planning Officer responsible for this application, and the District Councillors for this site, to ensure all the above points are duly considered and agreed before and if any application is decided. If necessary, the District Council should request an extension of determination time with the Developer to allow these discussions to take place

The Parish Council is aware that this application goes against the LPSV Policy for this site, specifically in terms of the number of homes being proposed (62 instead of the allocation of 48), and that the development encroaches into the Green Belt. The Parish Council has considered all elements of this proposal, both positive and negative, and the conclusion reached is that the benefits the proposal would bring to the community (assuming the points raised in part A are agreed) would make the proposal more acceptable to the local community.

B) The following CONCERNS and OBSERVATIONS were made by both Councillors and the 13 Members of Public who were in attendance at the Planning Committee meeting at which this planning application was considered:

- Concern at the Viability of the Site, especially if the site were to be sold on and how any S106 agreement reached would be secured in this scenario.
- Concern at the Quantum of Development, this being from 48 homes to 62
- Financial Viability of the Developers – would they be able to deliver what they have promised within the proposal.
- How the maintenance service charge of the proposed open space would be levied if this space is not managed and maintained by the Parish Council. Who would oversee this?
- Would the Open Space be subject to future Housing Proposals?
- There should be no visitors parking along Carpenters Arms Lane
- There is a general concern at the Increase in Traffic along the B1393.
- Any access arrangements to the site should not prejudice access to site THOR.1 (SVLP), being as the access point to this site would be directly opposite this proposal. Highways should be consulted in this regard.
- The New Homes Bonus of £7k which is allocated per house should be allocated and secured towards Community Benefit for Thornwood.
- All Proposed Sites for the Parish Should be looked at collectively in conjunction with one another and the Traffic from each site must viewed and considered as a whole. For example Traffic from the Latton Priory Site MUST be looked at in terms of how it affects Traffic flow along the B1393 in conjunction with Traffic coming from this site.
- The Parish Council has a Policy of not supporting 3 Storey Properties If this application goes to a Planning Committee or a District Development Committee of the District Council, then the Parish Council would like to attend.

Main Issues and Considerations:

LPSV Housing Delivery Considerations

In considering the merits of the application, Members should have in mind the objectives of the Local Plan Submission Version in terms of housing delivery in general, and in the Thornwood settlement specifically.

The Council is required to deliver new housing in accordance with the national policy requirements to ensure a continuous supply of homes are delivered through the maintenance of a five year supply of housing land. Where such supply cannot be established, the presumption in favour of allowing development will take priority of most local plan policies. Existing policy provision falls short of meeting this target, leaving the District vulnerable to development coming forward in locations and of a form which would otherwise be resisted.

The LPSV seeks to provide inter alia new homes to meet the Council's national housing delivery targets. The Local Plan process has sought to further divide the allocation by a range of methods in order to identify sites capable of delivering the required number of homes over the plan period, including review of employment and other underused sites, and the Green Belt review, all of which will be familiar to Members. As a result, the plan identifies the need to supply around 172 of the required homes in the Thornwood settlement.

The plan identifies two sites on the northern edge of Thornwood which meet the criteria established for removal from the Green Belt. The two sites are capable of delivering the LPSV requirement for the settlement. The development of such sites would evidently relieve pressure to release other sites for development in other locations, particularly around the fringes of the settlement area where pressure may otherwise be exerted.

Thus, the early delivery of an allocated site, particularly with a level of development that meets the allocation has significant benefit in housing delivery terms which should not be under estimated in the wider context. Officers will set out below why they consider the development is appropriate to the site and represents a practical solution to the constraints and opportunities, and why such a development outweighs the unknown alternatives.

The latest main modifications to the LPSV currently before the Local Plan Inspector do not specifically impact the application site or the amount of development anticipated.

Green Belt considerations

The application does however extend beyond the site allocation boundary proposing development on around 0.63 ha of land outside of the parameters of the allocated site. Consideration of the impact on the Green Belt should therefore focus on this additional area, in that the allocated site includes the previously developed part of the site.

In broad terms, new residential development within the Green Belt should be treated as inappropriate, unless very special circumstances exist, or it meets the exceptions set out in paragraph 149 of the NPPF 2021 (with which emerging policy DM4 is wholly consistent). One such exception would apply to the redevelopment of previously developed land, provided this *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.*

In terms of any case of very special circumstances, paragraph 148 of the NPPF sets out that very special circumstances will not exist unless the potential harm to the Green Belt, by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In considering the extent of the allocated site, a number of considerations arise. The western boundary of the site has been established in a somewhat arbitrary fashion, following a line established by rear garden boundaries of the adjoining properties to the south. The purpose of establishing new Green Belt boundaries is stated as being to establish a new defensible boundary to the west of the site. As such, the key consideration is not necessarily where the boundary is ultimately located, but that it serves the purpose of creating a strong defensible boundary to the Green Belt, either physically or visually. Officers consider the development serves this purpose.

Development also provides an opportunity to make significant enhancements to the character and form of the Green Belt through the proposals for the open part of the site. The land currently comprises low grade open scrubland. Within the centre of the plot lies a single tree but otherwise debris from previous uses remains indicating a mixed history (ie the land has not been used for cultivation). Comments from consultees suggest the ground performs poorly in terms of natural drainage, likely as a result of compacting of the surface and general lack of maintenance.

The development envisages a comprehensive enhancement of the land including areas of new landscaping, ecological enhancement including new habitat friendly planting and provision for a SuDs attenuation scheme. The parameter plan accompanying the application indicates a visual break between development and open land and presents an opportunity for natural surveillance.

Taking these matters collectively, officers consider that extending the site beyond the proposed allocation of itself has a limited impact on the character and openness of the Green Belt. The broad proposals will achieve the key objective of creating a new defensible boundary to the Green Belt as well as significantly enhancing the character and appearance of the site, which in turn will strengthen it's Green Belt function. When added to the delivery of a policy compliant affordable housing scheme, the opportunity to provide a SuDs solution to any site drainage concerns, and the wider protection to more sensitive sites in and around Thornwood from delivering more than the site allocation, officers consider that very special circumstances exist to support the minor incursion into the Green Belt.

Impact on surrounding area

As a result of the limited area being proposed for development, potential direct impact is very limited. Adjoining properties at Smiths Court do not have main windows facing directly onto the developable area. Discussions on detailed layout have indicated that buildings immediately adjacent to this boundary would not be considered and that private gardens are likely to abut the boundary. As a result, neighbouring residents are not significantly affected.

The application is submitted with a Landscape Visual Impact Assessment (LVIA) which assesses the proposed developments impact on the wider area in visual terms.

The LVIA confirms that the site is visually enclosed with mature existing vegetation along all the site's boundaries. There are some natural gaps within the existing vegetation through which only brief and glimpsed views into the site can be afforded. Any residual impacts would be limited to only close range visual receptors, those being receptors along High Road and potentially for residential receptors with north-facing windows and gardens along with Smiths Court, Carpenters Arms Lane and Teazle Meade.

Impacts on the wider landscape are limited due to a combination of undulating topography, scale, distance of view and existing vegetation and built form that is found within the landscape surrounding Thornwood. With the incorporation of appropriate mitigation, including retention and enhancements of landscape boundaries, the proposal would have a very limited impact on the openness of the Green Belt and the wider landscape character.

Parking and traffic

The proposals are made in outline form seeking permission for access only.

The location of the proposed access has been agreed with the highway authority with a view to meeting visibility splays for vehicles approaching and exit the site from both north and south. The position of the access does not compromise future access to the allocated development site opposite. Highway Authority guidance in this regard is that the junctions should be staggered and that right turning traffic should reach its junction first, to minimise disruption to traffic flow. This objective is met.

A number of highway works are required to make the development acceptable, in terms of managing the junction an improving pedestrian access and safety. These comprise:

- Provision of 2m wide footways along the frontage and into the site
- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road
- Introduce a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.
- Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.
- Provision of a 28" in shelter stretch display for Real Time Passenger Information for the southbound stop

Such works have been agreed in principle and will be secured through a legal agreement and conditions as appropriate.

Car parking within the site will be for the reserved matters application, and would be expected to include curtilage and street parking, all within the development area.

Impact on EFSAC

The application includes information to assess potential impact on the EFSAC. The site lies within 6km and now falls to be considered in terms of in terms of both recreational pressure and air quality impact. An HRA report accompanies the application and has been reviewed by specialist consultants. Existing modelling for air quality takes account of the allocation, and it is concluded that the additional development results in marginal differences in AADT movements within the EFSAC area. As a result, no additional provision is required beyond standard contributions and electric vehicle charging points to all dwellings. Relevant contributions have been agreed by the developer.

As a result, an Appropriate Assessment can be completed.

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:

1. Recreation activities arising from new residents (recreational pressures); and
2. 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:

1. 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 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.
2. 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.

Drainage

Notwithstanding comments from residents, the site is located in flood zone 1 and has had no history of flooding. The increase in built development would however result in a change in the natural drainage of the land and the application considers this in terms of the site and surroundings.

The gradual fall in levels means that it is suitable to provide a suds area within the southern corner of the site which will be installed as part of this comprehensive scheme.

The supporting technical reports confirm that a Surface Water Drainage Strategy can be secured to demonstrate that a sustainable drainage solution can be provided for the proposed development. The Surface Water Drainage Strategy has been designed in accordance with current sustainable development best practice and meets the requirements of Essex County Council (as the LLFA) and the District Council's requirements.

The proposed surface water drainage systems reduces the final discharge to greenfield runoff rates through the use of attenuation basins and swales. In addition households could benefit from water butts to store water for re-use.

Overall the proposals confirm that drainage and surface water can be integrated within the site as to ensure acceptable impacts on surrounding networks and neighbouring properties and is dealt with by conditions.

Trees, landscape and ecology

The submissions recognise a number of assets exist within the site in landscape and ecological terms. This includes a range of existing trees and extended natural environments which may include nesting sites for bats and birds, and the likelihood that other ground foraging fauna exist.

Opportunities for biodiversity enhancement evidently exist and will form a key component of the western portion of the wider site, likely to include new habitats and the attenuation pond which creates a wetland style environment.

The broad principles established in the Preliminary Ecological Assessment and supporting surveys, and the landscape Strategy are accepted by officers, and further details can be progressed by way of conditions.

Other mitigation measures

It is recognised that larger scale developments have potentially greater impacts on the wider environs beyond the site specific matters considered above. The Infrastructure Delivery Plan establishes the broad mechanism by which such matters can be resolved through appropriate contributions to improve local services and facilities to meet the increased needs placed on them by increased demand arising from development. Additional information from key service providers will inform the local requirements.

Discussions in relation to such impacts arising from the proposed development have resulted in a range of measures that would need to be addressed if development is to proceed, these can be secured by a s106 agreement. The following matters are included therefore as part of the application:

- Affordable housing – 25 units, mix to be agreed within parameters set out in comments, with approved provider from list
 - Health Contribution £30,660
 - Education – Early Years £96,355, Primary £381,449, Secondary £294,810 (total £772, 614)
 - School and Public Transport - £411,392.94
 - Libraries - £4,823.60
 - IDP requirements:
- | | |
|---|------------|
| Active transport | £26,681 |
| Thornwood Road signalised junction | |
| | |
| Open space and green infrastructure | |
| Children and young people £163 per dwelling | £10,106 |
| Community facilities £903.81 per dwelling | £56,036.22 |
| | |
| £20,770 | £21,267.24 |

Other matters

Initial assessment of historic records indicate low potential for archaeological remains to be present on the site. However, the application presents an opportunity for further investigation through trial trenches prior to main excavations. These requirements can be adequately addressed through condition.

An initial study for potential contaminants has found some evidence of potential contaminants being present. Further development in the form of a remediation strategy is recommended in order to carry out a more comprehensive assessment of this risk, in light of the sensitive nature of residential uses. This can also be covered by condition.

Conclusion:

As the application is in outline, only matters of general principle can be considered.

Development on the allocated site is acceptable in principle, the LPSV carries significant weight in this regard. The application proposes additional development beyond the boundaries of the site allocation

which for the reasons set out above is acceptable in Green Belt terms. The delivery of the level of development proposed will make a significant contribution to overall housing targets across the District and also in terms of the settlement, reducing local pressure for further inappropriate development.

The scheme delivers other benefits too in terms of a policy compliant level of affordable housing, enhancements to the western portion of the site in removing the existing low grade scrubland and introducing new a landscape and ecological feature, and delivering mitigation for wider impacts on local infrastructure.

Officers therefore conclude that the positive benefits far outweigh the concerns and therefore recommend that permission is granted, subject to conditions and an appropriate legal agreement.

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: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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

Conditions: (32)

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be designed in accordance with the details set out in the following approved plans: 21006- 01 - 05 inclusive. and 05667-TR-003-P4

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to commencement of the development, details of the layout, scale and appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to the Local Planning Authority for approval before the expiration of three years from the date of this permission, and the development shall be carried out in accordance with the details so approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 4 Development shall not commence until the developer has completed a binding agreement with an affordable housing provider agreed by the Council to facilitate delivery of 25 affordable housing units comprising an agreed mix of house types and tenures required by the associated legal agreement accompanying this permission.

Reason: The development requires sufficient safeguards to ensure delivery of the affordable housing element in order to comply with policies H5A - H8A of the adopted Local Plan and Alterations, policies H1 and H2 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 5 Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

- 6 No development shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: The site is an Archaeological site where any remains are irreplaceable and are an interest of acknowledged importance which may be highly vulnerable to damage or destruction. Unless the Authority is satisfied that a proper scheme for investigation has been agreed the remains should be left undisturbed, in accordance with policy HC1 of the adopted Local Plan 1998 & 2006, Policy DM of the Local Plan Submission Version 2017, and the NPPF.

- 7 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. With regards to dust control measures and wheel washing, reference shall be made to the Institute of Air Quality Management (IAQM) best practice Guidance on air quality monitoring in the vicinity of demolition and construction sites and Guidance on the assessment of dust from demolition and construction.
6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policies DM21 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 8 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 10 Prior to preliminary ground works taking place, details of surface water disposal, including measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

- 11 Prior to any above ground works, details of levels shall 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.

Reason: To ensure the impact of the intended development upon adjacent properties and the street scene is acceptable, in accordance with policies CP2, DBE1 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM12 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to the commencement of any above ground works, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 14 Prior to any above ground works, 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 15 Prior to the commencement of any above ground works, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 16 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 17 Prior to their installation, details of boilers shall be submitted to and approved in writing to the Local Planning Authority. The boilers shall have dry NO_x emissions not exceeding 40 mg/kWh (0%). The development shall be carried out in accordance with the approved details.

Reason: To help improve local environmental conditions and limit emissions to air as required by the national planning policy framework. Boilers can be a significant source of NO₂ emissions and worsen local air quality. To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 18 Prior to construction of any residential curtilage, a plan indicating the position, design, materials and type of all boundary walls, fences or other means of enclosure (including an acoustic barrier to the northern site boundary) to be erected within the development, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatments shall be implemented prior to the occupation of the development and thereafter permanently retained.

Reason: To ensure the safe movement of vehicles between the highway and off-street parking areas and to ensure a satisfactory appearance of the development, in accordance with Policies ST4 & DBE1 of the adopted Local Plan and Alterations 1998 & 2006, Policies T1 & DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 19 No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared, provided a written report of confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site, and that written confirmation has been approved by the Local Planning Authority

Reason: To ensure adequate protection is afforded to local wildlife in accordance with policies NC3 and NC4 of the adopted Local Plan and Alterations, policy DM1 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 20 If any tree, shrub or hedge shown to be retained in any agreed 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 21 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 22 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 23 All material excavated from the below ground works hereby approved shall be removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies CP2, DBE1 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 24 Prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use, a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity to be provided by the new landscaping is achieved and safeguarded, and to ensure a satisfactory appearance to the development, in accordance with policies LL7 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 25 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.

Reason: To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan Submission Version 2017.

- 26 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 27 Prior to the first occupation of the development the access arrangements, as shown in principle on PJA drawing no. 05667-TR-0003 Rev P4, shall be fully implemented and retained for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 110m clear to ground level
- A bellmouth with minimum radii of 6m with dropped kerb crossing points across it
- Provision of 2m wide footways along the frontage and into the site
- Provision and implement of a 1.8m wide minimum pedestrian refuge island to the south of the proposed access with a pair of pedestrian dropped kerb crossing points across the High Road
- Introduction of a new 30mph speed limit through Thornwood, from approximately the point just to the north of the proposed pedestrian refuge island, to a point just south of the junction of Woodside, approx. 300m in length, to coincide with the start of the development, with appropriate signing and lining as necessary, and gateway features to the north and south at the new 30mph signs.

Reason: To ensure that safe, efficient and improved accessibility is provided for all highway users, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

- 28 Prior to the first occupation of the development the developer shall provide the following improvements, to Highway Authority specification, to the existing Carpenters Arms bus stops, to the south of the site, either side of the High Road:

- Provision of a new shelter with integrated Real Time Passenger Information screen for the northbound stop.
- Provision of a 28" in shelter stretch display for Real Time Passenger Information for the southbound stop.

Reason: In the interests of reducing the need to travel to the site by car and promoting sustainable and accessible development and transport, for the development and the locality in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

- 29 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and or Oyster cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan, policies T1 and T2 of the Local Plan Submission Version 2017 and the NPPF 2021

- 30 The open space area at the western end of the site shall be retained in perpetuity for general public use, and shall not be enclosed nor access restricted without prior consent from the local planning authority through a planning application.

Reason This aspect of the application has been justified as a public facility and any change thereto requires appropriate consideration in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM5, DM9 and DM10 of the Local Plan Submission Version, and the NPPF 2021.

- 31 All parking areas within the development hereby permitted shall be provided prior to the first occupation of the dwellings they serve and shall be retained free of obstruction for the parking of residents and visitors vehicles only.

Reason: In the interests of highway safety, in accordance with policies ST4 and ST6 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 32 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, AA, B and C of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (5)

- 33 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 34 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 35 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 36 Pursuant to condition 10 above , the detailed surface water drainage scheme will be required to be designed in accordance with the flood risk assessment (Flood Risk Assessment and Drainage Strategy, Ref: 05667/R-02-A/FRA v2) submitted with the application unless otherwise agreed in writing with the Local Planning Authority. The details will also be required to include information contained in the Lead Local Flood Authority's comments dated 07 June 2022.
- 37 The following informatives are included by the Highway Authority:
- i. Notwithstanding the submitted access details, it would be prudent to consider reducing the radii of the new bellmouth at the detailed design stage, so as to help facilitate pedestrian movement rather than accommodating fast vehicle turning.
 - ii. Please note that as the application is outline, access only, no detailed assessment of the internal layout has been undertaken at this time.
 - iii. There shall be no discharge of surface water onto the Highway from the site.
 - iv. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
 - v. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
 - vi. Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.



Epping Forest District Council

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Application Number:	EPF/1323/33
Site Name:	Coopersale Hall Farm, Unit 10, Fluxs Lane, Epping, CM16 7PE

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OFFICER REPORT

Application Ref: EPF/1323/22
Application Type: Full planning permission
Applicant: Mr Peter Sjoberg
Case Officer: Caroline Brown
Site Address: Coopersale Hall Farm,
Unit 10, Fluxs Lane,
Epping, CM16 7PE
Proposal: Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager. (Revised application to EPF/3076/20).
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1Ki>
Recommendation: Refuse

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

Description of Site:

Land at Coopersale is sited to the southeast of Flux Lane, (1.80ha) in area, a designated 'Employment Site' (EPP.E2) as identified in the Epping Forest Submission Version, 2017 which comprises of a number of industrial buildings, sporadic residential dwellings and Coopersale Hall School with associated additional buildings that provide educational facilities.

The site lies within the boundaries of the Metropolitan Green Belt.

Description of Proposal:

The proposal is a resubmission following a previous refusal Ref: EPF/3076/20 for the conversion of part of an existing ancillary building formerly used as an office and a gym (with the office use still in use) to form a dwellinghouse (180m²) with associated amenity space and parking for use by site manager and employees to allow for the better management of the existing commercial site and increased security

The only external alteration would be the provision of an entrance canopy with amenity space sited to the rear of the accommodation with direct access from the living area. Three car parking spaces would be provided to the front of the dwellinghouse.

The difference between this application and the previous refusal is that the rear amenity space has been reduced in size and sited solely to the rear of the proposed residential accommodation.

Relevant History:

EPF/3076/20 - Conversion of existing ancillary building to dwelling with associated amenity space and parking for use by site manager - Refused 02/12/21

- 1. The development would result in the unacceptable loss of employment floorspace within a designated employment site and insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and*

contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

- 2. The proposed dwellinghouse by reason of its design and siting would result in the inappropriate siting of the amenity area in association with the dwelling resulting in overlooking and a loss of privacy to the adjoining occupiers and would suffer a loss of overlooking and privacy from the windows to the existing offices contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006) and policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers.*
- 3. Substantial weight is also attributed to the potential impact on the Epping Forest SAC where it has not been demonstrated beyond reasonable scientific doubt to satisfy the Council as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation. In the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.*

Applied Policies:

Development Plan Context

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).

CP1 Achieving sustainable development objectives.
CP2 Protecting the Quality of the rural and Built Environment
DBE2 Effect on neighbouring properties
GB2A Development in the Green Belt
GB7A Conspicuous Development.
DBE8 Private Amenity Space
DBE9 Neighbouring Residential amenity
E1 Employment Site
RP4 Contaminated Land
LL11 Landscaping schemes
ST1: Location of development
ST2 Accessibility of Development
ST4 Road Safety
ST6 Vehicle Parking

National Planning Policy Framework (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.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

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

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

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

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion, and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan have been put forward without prejudice to the Inspector's final conclusions on the Plan.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy 2011-2033
SP5 Green Belt and District Open Land
SP6 Green Belt
T1 Sustainable Transport
DM2 Epping Forest SAC
DM4 Green Belt
DM9 High Quality Design
DM21 Land Contamination
DM22 Air Quality
E1 Employment Sites

Consultation Carried Out and Summary of Representations Received:

Epping Town Council - No objection.

20 adjoining neighbours were notified, and no representations have been received.

Issues and Considerations:

The main issues to consider are:

- Impact on the Metropolitan Green Belt.
- Retention of an employment Site; principle of residential
- Impact on the amenity of neighbouring properties.
- Form of Accommodation.
- Parking and highway safety.
- Contamination
- Drainage
- Epping Forest Special Area of Conservation

Impact Metropolitan Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that 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. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 147-149 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Local Plan policies and the National Planning Policy Framework (NPPF) allow for the change of use or adaptation of buildings in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Paragraph 146 states that other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it.

d) of 146 states that the reuse of buildings is not inappropriate development provided that the buildings are of permanent and substantial construction; provided they preserve its openness and does not conflict with the purposes of including of land within it.

The application site is wholly within the Metropolitan Green Belt. The submitted Statement states that the existing building is currently used as an office and a vacant gym, a substantial building that is capable of conversion to residential use. The only external alteration to the building would be the addition of a limited depth entrance canopy, which would not cause any detrimental impact on the openness of the Green Belt.

The use would not result in any increase in floor area or intensification of use above the previous use and therefore would preserve the openness of the Green Belt but would conflict with the purposes of including land within it. Therefore, this application would constitute an exception to inappropriate development as outlined in para.146(d) of the NPPF.

Principle of Residential - Employment Site

PMW Garages, Flux's Lane is a designated employment site (EPP.E2) within the Submission Version of the Local Plan, 2017 comprising a mix of established industrial and horticulture buildings.

Policy E1 of the adopted Local Plan 1998-2006 seeks to protect the existing contribution made by employment uses within the site to the district's existing employment stock. It states that sites currently or last in use for employment but outside the defined employment areas will be safeguarded from redevelopment or change of use to other land-uses unless it can be proven that there is a demonstrable lack of market demand for employment use over a long period that is likely to persist during the plan period; and there are very significant development or infrastructure constraints, making the site unsuitable or uneconomic to redevelop for employment purposes.

Policy E1 of the Submission Version, 2017, seeks to support, retain, and enhance existing employment sites and premises recognising their vital role in meeting the employment growth required over the Local Plan. 'Proposals for the redevelopment, renewal intensification or extension of existing employment sites and premises for their existing use will be encouraged, 'the redevelopment of existing sites or premises or their change of uses other than business, general industry or warehousing will not be permitted.

The submitted Statement by the applicant indicates that the proposed change of use to a dwellinghouse is '*....specifically for the manager of the site and would therefore be associated with the wider business use of the site. The proposal would allow for the better management of the existing commercial site, would increase security, and the applicant is willing to agree a planning condition restricting the occupation of the new dwelling (much the same as an agricultural occupation condition would be utilised). Due to the exceptional circumstances of this application, it is not considered that this proposal should be viewed as a loss of commercial floorspace but rather as a way to protect the long-term viability of this existing commercial site. As such, it is not considered that this proposal would be contrary to policy E 1*'.

Policy E1 of the Submission Version also states that the change of use of existing employment sites will not normally be permitted unless the applicant can demonstrate through evidence, including marketing of the site, that there is no longer a reasonable prospect of the site being used for the existing authorised employment use or alternative uses of an employment nature before the Council will consider potential release to other uses. The Council does not consider that this requirement has been met.

The applicant draws a parallel of this application to an agricultural workers dwellinghouse in the Green Belt where a planning condition restricting the residential occupation to the business could be applied. Policy GB17A of the adopted Local Plan sets out the circumstances when planning permission may be granted for a dwelling for a horticultural worker:

The Local Authority has to be completely satisfied that:

1. The dwelling is essential taking into account the nature of the enterprise, possible reorganisation of the existing labour force, the potential offered by existing residential accommodation on the holding and the outcome of any approach made to the Council as a housing authority.
2. If (1) is inconclusive there is firm evidence of the viability of the horticultural enterprise at the time of application and continued viability in the long term.
3. Genuine and sustained efforts have been made to find alternative accommodation within reasonable travelling distance (unless the accommodation is required to house a specialist worker who needs to live on the holding).
4. The floor area of the living accommodation does not exceed 150m²

Policy DM4 of the SVLP and policy E3 of the SVLP states that there has to be clear and robust evidence which shows that the lack of on-site accommodation is rendering the existing use unviable and there is no other alternative suitable accommodation within a reasonable distance for purchasing/ renting.

In this instance, no robust evidence has not been advanced that clearly and reasonably demonstrates the requirement for on-site residential accommodation for a site manager or employees that would outweigh the harm.

The siting and size of the accommodation is not considered commensurate with the needs and scale of the enterprise in the applicant's ownership. The floor area of the unit is in excess of 150m² and no evidence of the financial position of the business and of the continued viability in the long term because of the dwellinghouse or clear evidence of genuine efforts to find alternative residential accommodation within a reasonable travelling distance has been submitted for consideration.

The site is foremost a designated existing employment site in the Local Plan Submission Version and the site is positively occupied, and there is local market demand. The introduction of residential uses on the site fails to perform an enabling role to the renewal of the employment function of the site resulting in the unacceptable loss of employment floorspace within a designated employment site. The development is therefore inconsistent with the Council's approach to meeting the district's employment needs to support economic growth required, as outlined in Policy E1, E2, E4A of the Adopted Local Plan and E1 of the Local Plan Submission Version.

Furthermore, the principle of residential does also not accord with the Council's spatial development strategy for residential sites and is deemed inappropriate out of context in an area designated as an Employment site (EPP.E2) of the SVLP, 2017 and where the applicant has not submitted sufficient detailed information to demonstrate very special circumstances to justify the change of use of the building to residential and conflicts with policy ST1 (iii) and SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021.

Neighbouring Amenity and the form of Accommodation.

The site is a self-contained employment site. The existing building lies adjacent to no. 2 Coopersale Hall Farm Cottage, a 2 storey dwellinghouse owned by the applicant.

The existing rear windows to Unit 10 currently look out over the rear garden of no. 2. The proposed use of these windows are to give light to habitable rooms which would look directly over the rear garden of no. 2 resulting in a loss of amenity in the form of overlooking and privacy. In addition, the proposed dwelling would be served by a limited size amenity space which is taken from the rear garden of No. 2 Coopersale Hall Farm Cottage, and which would be overlooked from the rear windows of No. 2.

The close proximity of Unit 2 would result in a poor form of accommodation and relationship for adjoining and future occupiers of the proposed development. The proposal is therefore considered contrary to Policies DBE9 and DM9 of the Local Plan, and the provisions of the NPPF in this regard.

Essex County Council Highways Authority

The proposed development has an existing vehicle access onto Flux's Lane and Essex County Council Highways have no objection in terms of highway safety which accords with the requirements of ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version, 2017.

Contaminated Land

The Phase I Report, dated 25th February 2021, relating to potential contamination issues at the site above has been reviewed. The report satisfies the requirements for submission of a Phase I contaminative study, in that it is signed, countersigned, and dated, contains: relevant information and evidence of a site walkover performed; background information for the site and surrounding area; a detailed conceptual site model (CSM); and a preliminary risk assessment identifying and assessing potential contaminant linkages. Due to the sensitive nature of the proposed residential use, conditions and an informative should

be attached at approval in accordance with the guidance contained within the National Planning Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

Land Drainage

The development will not significantly impact on the current surface water drainage arrangements, nor will it materially increase flood risk to the surrounding area, therefore the Environmental Protection and Drainage Team have no objections.

Impact on the Special Area of Conservation

The Forest is defined as a Special Area of Conservation (SAC) because it is an important conservation site, and a SAC falls within the definition of a European site.

The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. Circular 06/2005 sets out that the decision on whether or not an appropriate assessment is necessary should be made on a precautionary basis.

Policy NC1 of the Epping Forest Local Plan 1998 (the adopted Local Plan) states that the Council will comply with the UK's international obligations for SAC's and the Framework requires that if significant harm to biodiversity cannot be avoided, for example through mitigation, planning permission should be refused. Policies DM 2 and DM 22 of the emerging plan, which are material considerations, also require that development proposals conserve the SAC in terms of access management and monitoring of visitors and that the SAC is not adversely impacted in terms of air quality. The proposal would be likely to result in an increase in traffic in close proximity to the SAC, which on its own or in combination with other plans or projects, could lead to impacts on the SAC in terms of both air quality and recreational pressure.

With respect to recreational pressure, the Council has adopted an Interim Approach to Managing Recreational Pressures on the SAC. The site lies within the 3km zone of influence and as such a financial contribution per dwelling is required to mitigate the impacts arising from the harm the proposal will bring to recreational receptors within the SAC. Since this application is being recommended for refusal, there is no mechanism to secure such a contribution and therefore it cannot be ascertained that there would not be harm caused to the SAC. The Council has a statutory duty to ensure that there would be no adverse effect on the integrity of the SAC and adopting a precautionary approach, it cannot be concluded that the proposal will not cause harm to the SAC. The proposal is therefore contrary to policy NC1 of the Adopted Local Plan and with policies DM 2 and DM 22 of the LPSV.

Conclusion

The previous reasons for refusal have not been addressed. The principle of residential is deemed inappropriate and comprises of an unsatisfactory form of accommodation to adjoining and future occupiers. In addition, there is no suitable mechanism to secure the required mitigation which is required to ensure that there would not be harm to the Epping Forest SAC. The proposal is therefore contrary to policies of the adopted Local Plan and Alterations (1998-2006) and of the Local Plan Submission Version, 2017. There are no substantive reasons to depart from the policies of the development plan. In the light of the above considerations it is recommended that planning permission is refused.

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

Refusal Reason(s): (3)

- 1 The previous reasons for refusal have not been fully addressed and the development would result in the unacceptable loss of employment floorspace within a designated employment site. Insufficient robust evidence has not been advanced that clearly and reasonably demonstrates the need for a dwellinghouse involving a site manager/employees that would outweigh this harm. The principle of residential is also deemed inappropriate out of context and contrary to policy CP1, CP2, CP9, ST1 and E1 of the adopted Local Plan & Alterations (1998-2006), and E1, SP1, SP2 of the Submission Version, 2017 and the National Planning Policy Framework, 2021
- 2 The proposed dwellinghouse by reason of its design and siting would result in n overlooking and a loss of privacy to the adjoining occupiers and an unsatisfactory form of accommodation to the future occupiers of the development. 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) and policy DM9 and DM10 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework to secure a good standard of amenity for all existing and future occupiers
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to secure such mitigation is contrary to policies CP1 and CP6 of the adopted Local Plan 1998 & 2006, Policies DM2 and DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 5 This decision is made with reference to the following plan numbers: PS0001A; PS002A; Location Plan

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