

# Committee Agenda



## Epping Forest District Council

### **Area Planning Sub-Committee East Wednesday, 1st March, 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, 1st March, 2023  
at 7.00 pm.**

**Georgina Blakemore  
Chief Executive**

**Democratic Services  
Officer:**

V Messenger, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto: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](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 - 22)**

To confirm the minutes of the last meeting of the Sub-Committee held on 4 January 2023.

**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/1592/22 55 HEMNALL STREET, EPPING CM16 4LZ (Pages 23 - 30)**

To consider the attached report on the conversion of the garage into living accommodation, the removal of the existing conservatory, construction of a two storey side extension and rear extensions.

**10. PLANNING APPLICATION - EPF/2883/22 LAND ADJACENT TO TILEGATE FARM, TILEGATE ROAD, HIGH LAVER, ONGAR CM5 0EA (Pages 31 - 44)**

To consider the attached report on the construction of a natural pond together with new tree planting and associated landscaping.

**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):

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

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

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

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

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

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

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

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

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

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

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### **What can I say?**

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

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

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

### **Can I give the Councillors more information about my application or my objection?**

**Yes, you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

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

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

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

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

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

## **Further Information**

Further information can be obtained from Democratic Services.

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

				
<b>Chairman</b>	<b>Vice Chairman</b>			
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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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee East	<b>Date:</b>	Wednesday, 4 January 2023
<b>Place:</b>	Council Chamber - Civic Offices	<b>Time:</b>	7.00 - 7.53 pm
<b>Members Present:</b>	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, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse		
<b>Members Present (Virtually):</b>	Councillors		
<b>Other Councillors:</b>	Councillors		
<b>Other Councillors (Virtual):</b>	Councillors		
<b>Apologies:</b>	J Philip, P Stalker and B Vaz		
<b>Officers Present:</b>	I Ansell (Senior Planning Officer), A Hendry (Democratic Services Officer) and S Mitchell (PR Website Editor)		
<b>Officers Present (Virtually):</b>	A Marx (Development Manager Service Manager (Planning)) and L Kirman (Democratic Services Officer)		

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### 55. 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.

### 56. 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.

### 57. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillors C McCredie, C Whitbread and H Brady declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the applicant. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1323/22 – Coopersale Hall Farm, Unit 19, Fluxs Lane, Epping

**58. MINUTES****RESOLVED:**

That the minutes of the Sub-Committee held on 30 November 2022 be taken as read and signed by the Chairman as a correct record.

**59. ANY OTHER BUSINESS**

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

**60. 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>

**61. SITE VISITS**

Councillor C McCredie proposed a site visit for agenda item 10, EPF/1323/22, Coopersale Hall Farm, Unit 10, Fluxs Lane Epping, which was seconded by Councillor J H Whitehouse, and agreed by the meeting. This item was deferred to the next meeting.

**62. 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  
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>

**Decision:** Approved with Conditions (Subject to s106 Legal Agreement)

**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 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 NOx 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: (7)**

- 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](mailto: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.

- 38 The applicant is advised that the Council will seek agreement to priority of allocation of affordable homes to local parish residents as part of its consideration of details under condition 4.
- 39 Area Planning Committee strongly urge the developers to pursue discussions with the Highway Authority over the provision of a pedestrian crossing along the frontage of the application site.

**63. PLANNING APPLICATION - EPF/1323/22 COOPERSALE HALL FARM, UNIT 10, FLUXS LANE, EPPING CM16 7PE**

- Application Ref:** EPF/1323/22  
**Application Type:** Full planning permission  
**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.

**Ward:** (Revised application to EPF/3076/20).  
Epping Hemnall  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O1Ki>  
**Decision:** Deferred

**Deferred for Site  
Visit**

**CHAIRMAN**



# Epping Forest District Council

# EFDC



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Application Number:	EPF/1592/22
Site Name:	55, Hemnall Street, Epping, CM16 4LZ

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# OFFICER REPORT

**Application Ref:** EPF/1592/22  
**Application Type:** Householder planning permission  
**Applicant:** Mrs S Buckley  
**Case Officer:** Caroline Brown  
**Site Address:** 55, Hemnall Street, Epping, CM16 4LZ  
**Proposal:** Removal of existing conservatory.  
Two storey side extension.  
Single storey rear extension.  
**Ward:** Epping Hemnall  
**Parish:** Epping  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OFaS>  
**Recommendation:** Approve with Conditions

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

## **Site and Surroundings**

No. 55 is a 2-storey pitched roof detached dwellinghouse located to the south of Hemnall Street which is residential in character. The property has a flat roof side garage linked to the main house by a pedestrian side access, a rear extension and additional rear conservatory. The property has a large frontage with parking for 3 plus cars.

The properties in Hemnall Street are predominantly detached dwellinghouses that vary in scale and form with blocks of flats sited to the southeast.

The property lies outside of a conservation area and is not listed.

## **Proposed Development**

The proposal seeks planning consent for the conversion of the garage into living accommodation, the removal of the existing conservatory, construction of a 2-storey side and rear extensions. Materials are to match the existing property.

## **Relevant Planning History**

EPF/2096/21- Installation of 1.8m high metal railings and pedestrian gates together with electric vehicular access gates to courtyard, painted black to match existing fencing to south-eastern boundary and the installation of 2No. CCTV cameras - Approved

EPF/0896/89 - Erection of rear conservatory- Approved – 28/07/89

## Policies Applied:

### **DEVELOPMENT PLAN CONTEXT**

#### Local Plan (1998) & 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 Impact on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE9 Loss of Amenity  
DBE10- Residential Extensions  
LL10- Adequacy of provision for landscape retention

#### NPPF, 2021

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

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

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

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

Paragraph 126-7 - Achieving well designed Places

#### 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 14<sup>th</sup> December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

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.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

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  
DM9 High Quality Design  
DM10 Housing Design and Quality.

### **CONSULTATIONS CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:**

Epping Town Council – OBJECTION and confirm that they will attend and speak at Plans East to object to the proposal.

- Object to the felling and removal of the T6 Lawson Cypress tree along with the T0 Wild Cherry tree which is listed in the description of works on the application form. No information or tree report provided which would be expected for felling of trees. no explanation why these trees are to be felled and what type of tree would be the replacement(s), if any.
- No objection with the work to the T5 Beech tree crown reduction work only provided it is carried out under the supervision of the arboricultural officer at EFDC.

16 adjoining neighbours were notified, and no objections have been received

### **Main Issues & Considerations:**

- Design and siting of the development in relation to the character and appearance of the property and surrounding area.
- Impact on neighbour's amenity
- Trees and Landscaping
- Parking and highway

### Impact on the character and appearance of the property and the surrounding area

Epping Forest adopted Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

The proposed 2-storey side extension is to be recessed from the front main building line of the property and has been reduced in width so that it is set in over 1m from the west boundary with a hip roof. The proposed single storey rear extension varies in depth from 3.3m and 6.3m from the east flank, set in over 3m from the side boundary.

The scale and design of the side extension is considered subservient and proportionate to the dwellinghouse and not detrimental to the visual character and appearance of the property and street scene.

The recessed siting of the 2 -storey side extension from the front main building line of the property, with a low hip roof sited well set back from the public highway eliminates any overall bulk and massing. In terms of its design and form the development is considered sympathetic and comparable in context with the spatial design of development in Hemnall Street and complies satisfactorily with policies CP2, and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021.

### Impact on Neighbours' Amenities

The proposed side and rear extensions are to replace existing structures of a similar footprint, set in between 1-3m from the side boundaries that comprises of high dense conifer trees and shrubbery to the extent that conceals views of the adjoining properties. As both adjoining buildings are set in over 3m from the shared boundary and It is considered that the siting and separation distance of the adjoining properties is such that the proposed extension would not result in any significantly harmful impact on their amenity in terms of loss of light or outlook in accordance with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

### Trees and Landscaping

The proposal shows the removal of one tree to facilitate the development. Trees and Landscaping have no objection subject to conditions for the protection of existing trees and details for a replacement tree in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

The Parish Councils comments are noted. The tree officer raises no objection to the removal of a tree and its replacement, which would be conditioned.

### Parking & Highway Considerations

Two car parking spaces are required for a 2 bed + dwellings in line with the Councils adopted parking standards (Essex County Parking Standards 2009). There is no objection to the conversion of the garage to a habitable space, the property is not increasing the number of bedrooms and retains 3+ car spaces to the frontage of the property which meets the minimum standards required by the Essex Parking Standards and policies ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

## **Conclusion:**

The proposed extensions are considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse and street scape and maintains an acceptable level of amenity to adjoining properties and is supported by the relevant policies of the adopted Local Plan and Alterations (1998-2006), and of the Local Plan (Submission Version), 2017 and, the guidance as set out in the National Planning Policy Framework, 2021. In light of the above considerations, it is recommended that planning permission is approve subject to conditions

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

***Planning Application Case Officer: Caroline Brown***

***Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

## **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: 22001\_P\_000; 22001\_P\_001; 22001\_P002; 22001\_P\_003; 22001\_P\_004; Rev B; 22001\_P\_005 Rev B; 22001\_P\_006 Rev B; Existing Streetscene

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or those specified in the submitted application form].

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

- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 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 08:00 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.

- 6 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.

**Informatives: (1)**

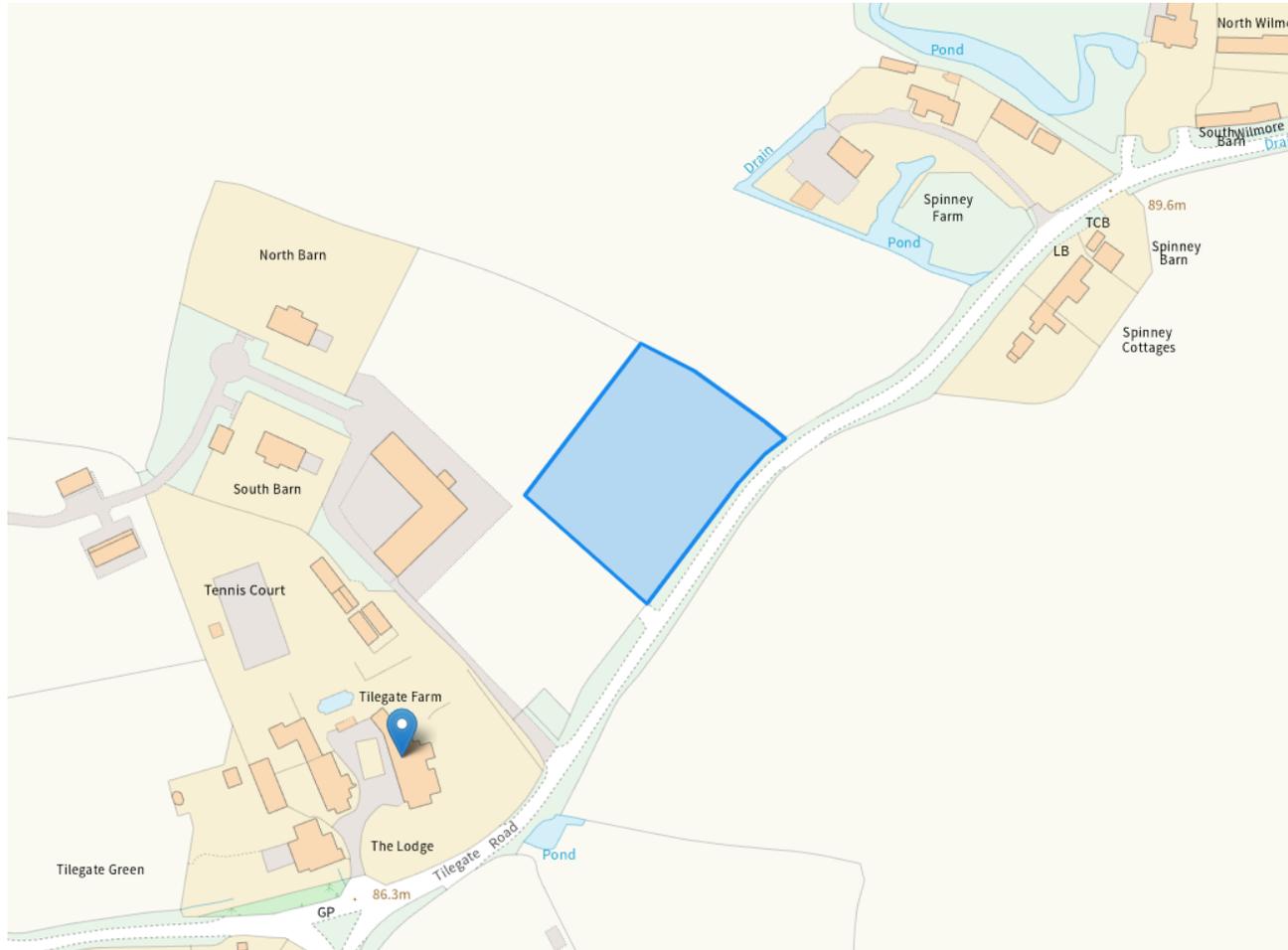
- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

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# Epping Forest District Council

# EFDC



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Application Number:	EPF/2883/22
Site Name:	Land Adjacent to Tilegate Farm, Tilegate Road, High Laver, Ongar, CM5 0EA

## OFFICER REPORT

**Application Ref:** EPF/2883/22  
**Application Type:** Full planning permission  
**Applicant:** Mr & Mrs C Sullivan  
**Case Officer:** Kie Farrell  
**Site Address:** Land Adjacent to Tilegate Farm, Tilegate Road, High Laver, Ongar, CM5 0EA  
**Proposal:** Construction of a natural pond together with new tree planting and associated landscaping  
**Ward:** Moreton and Fyfield  
**Parish:** Moreton, Bobbingworth and the Lavers  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UyIX>  
**Recommendation:** Approve with Conditions

*This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site**

The application site is located on the north-west side Tilegate Road, within the settlement of High Laver.

The site adjoins the application site of a neighbouring residential development.

The site is accessed from the main public carriageway via a private access road which serves the neighbouring residential development.

The application site is located within the Metropolitan Green Belt and it is not within a Conservation Area.

The site is within Flood Zone 1 (Low probability of flooding).

### **Amended Drawings**

The following new and amended drawings were received from the applicant's agent by email dated 25th January 2023:

- Proposed site plan, ref: (02)003B (replaces 003#) - contours for pond and bank added, plus decking / bridge and pathways removed
- Proposed layout, ref: (02)004B (replaces 004#) - contours for pond and bank added (proposed and existing), plus decking / bridge and pathways removed
- Existing and proposed site sections, ref: (02)005B (replaces 005#) - levels added, plus decking / bridge and pathways removed
- Proposed level changes, ref: (02)006# (new) - existing and proposed contours shown
- Proposed landscaping plan, ref: (02)008A (new) - sets out details / species of new trees, grasses and shrubs (no reference to decking / bridge and pathways)
- Existing layout plan, ref: (02)012# (new) - existing contours shown

The new and amended drawings were provided by the applicant's agent in response to the representation from the trees and landscape officer dated 4 January and comments of the Bobbingworth and The Lavers Parish Council.

The new and amended drawings illustrate the extent of the existing bunding, the proposed contour changes and the proposed planting scheme. The proposed scheme has also been amended so as to remove the decking, the bridge and pathways that was shown on the original submitted drawings.

The Tree and Landscape Officer's final comments dated 2nd February 2023 were provided following her review of the new and amended drawings provided on 25th January 2023.

### **Description of Proposal**

Construction of a natural pond together with new tree planting and associated landscaping.

The application site falls outside of the previously approved residential development site and the residential curtilage of the approved houses.

The proposed development is for a natural pond with a view to enhancing wildlife and ecological value of the area.

The pond will be integrated into the surface water drainage system, so as to offer additional attenuation of rainwater runoff from the site.

The proposals include a comprehensive landscaping scheme incorporating tree and shrub planting.

The scheme takes advantage of the existing contours of the site. Whilst some re-contouring will take place, the submitted Existing and Proposed Site Sections Drawing (005 Rev B), shows that the changes in land levels will be minimal. The applicant's agent has confirmed that there will be little if any importing or exporting of materials as the works will comprise the re-arrangement of the existing only.

The design of the pond allows for the creation of islands, providing an opportunity for birds to refuge and nest.

### **Planning History (006988)**

In June 2017 planning permission (EPF/1052/17) was granted for three residential units plus annexes and outbuildings.

Over the period March 2018 to October 2019 planning permission EPF/1052/17 was amended by way of six Non Material Amendments (NMAs).

The development is being built out and two of the three houses are complete and occupied.

In May 2022 a Section 73 Minor Material Amendment application (EPF/3231/21) was approved creating a planning permission which consolidates the original EPF/1052/17 scheme with the subsequently approved NMAs along with some additional amendments relating to the design of the main house. This included the retention of an original secondary access road.

In October 2022 a Section 73 Minor Material Amendment application (EPF/1355/22) was approved for amendments to planning permission EPF/3231/21.

EPF/1355/22

Application for variation of condition 2 of EPF/3231/21. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping)

Approved 14.10.2022.

EPF/3231/21

Application for Variation of Condition 2 for EPF/1052/17. (Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus annex and outbuilding together with reconfiguring of access road and landscaping).

Approved 30.05.2022.

NMAs Reference Decision

NMA1 EPF/0417/18 Approved 14.3.18

NMA2 EPF/2826/18 Approved 25.10.18

NMA3 EPF/3354/18 Approved 11.01.19

NMA4 EPF/0674/19 Approved 12.4.2019

NMA5 EPF/1336/19 Approved 24.06.19

NMA6 EPF/2526/19 Approved 25.10.19

Conditions

Discharge of Conditions 4, 6, 7, 8 and 9 of EPF/1052/17. EPF/0307/19 Approved 29.05.19

Discharge of Conditions 3 and 5 of EPF/1052/17 EPF/3232/21 Approved 02.02.22

EPF/1052/17 - Demolition of existing industrial and storage workshops and equestrian buildings and replacement with three residential units plus granny annexe and outbuilding together with reconfiguration of access road and landscaping – Approved 01.06.2017.

### **Policies Applied**

The following saved policies within the Council's adopted Local Plan (1998) and Alterations (2006) are relevant:

CP2 Protecting the quality of the rural and built environment

GB2A Development in the Green Belt

GB7A Conspicuous development

NC5 Promotion of nature conservation schemes

U3B Sustainable Drainage Systems

DBE2 Effect on neighbouring properties

DBE9 Loss of Amenity

LL1 Rural landscape

LL10 Adequacy of provision for landscape retention

LL11 Landscaping schemes

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector 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.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

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  
 SP6 Green Belt and District Open Land  
 SP7 The Natural Environment, landscape character and green infrastructure  
 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  
 DM9 High Quality Design  
 DM15 Managing and reducing flood risk  
 DM16 Sustainable Drainage Systems  
 DM18 On site management of waste water and water supply  
 DM19 Sustainable water use  
 DM21 Local environmental impacts, pollution and land contamination  
 DM22 Air quality

### **Consultation carried out and summary of representations received**

MORETON, BOBBINGWORTH & THE LAVERS PARISH COUNCIL – Objection:

The Parish Council has considered the application EPF/2883/22 for the site; Land Adjacent to Tilegate Farm, Tilegate Road, High Laver, to construction a natural pond together with new tree planting and associated landscaping and objects to the application on the following:

"1. The Parish Council has noted that the 'Existing Site plan of this application Ref 272/04 (02)002 #' does no longer show, the Red Boundary of the previous Section 73 Application EPF/1355/22 (Site plan attached). for the entire Housing Development approved for Tilegate Farm. The application should not be considered until an 'Accurate Existing Site Plan' is submitted.

2. The Parish Council has also noted that both the 'Existing Site' plan of this application Ref 272/04 (02)002 #' and 'Proposed Site' plan Ref 272/04 (02)003 # show a proposed tennis court, on Green Belt land as well as additional pathways, which join pathways around the pond. Additional new planting is shown on "Green Belt" land without an application having been submitted.
3. The proposal will result in the introduction of a substantially increased garden with associated residential hard landscaping features which would constitute inappropriate development in the Green Belt. This will compound the already substantial loss of openness for which no case of very special circumstances has ever been advanced to outweigh the identified harmful impact on the setting of the Grade II listed buildings - Tailgate Farm, Tilegate Barn and the surrounding area.
4. The proposal is therefore contrary to Policy GB2A of the Local Plan (1998/2006), policy DM 4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework.
5. The Parish Council has noted that the plans also show the tennis courts and additional pathways with planting within the blue outlined 'existing plans' document; the Green Belt land has slowly been incorporated into the development site over a number of years - further erosion of Green Belt land. We suggest that EFDC reviews the earlier plans (EPF/1355/22, which show substantial Green Belt land and compares these with the current ones.
6. We understand that EFDC's Officers have ignored a valid objection (EPF/0307/19) from Melinda Barham, Trees and Landscape (EFDC Officer) in the past and we encourage EFDC to take this into account when considering this application.
7. The Parish Council has previously brought to the attention of EFDC that there is the issue of contaminated waste, which has been imported onto the site and we believe that a contamination report be submitted with this planning application. Reason being exposure to additional poisonous or polluting substance will have an effect on wildlife in and around the proposed pond.
8. If this application is approved, we request that all 'Permitted Development Rights' be removed."

10 Neighbours consulted. 1 objection received:

Mr Padfield, Fenner's Farm:

"This Application forms part of a 9.5 acre Green Belt Development which has grown out of 18 successive applications. The Application pretends to be a nature conservation project. However, there is an extensive footpath network which extends beyond the existing red line boundary. The wildlife pond is equipped with staging, a bridge and stepping stones. This nature conservation application fails to pass the "Duck Test". "If it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck."

In other words, the observable characteristics of this Application's identity is sufficient to define the classification of this Application. In reality it is an extension of the domestic curtilage of the 8,000 sq feet Mansion.

There can be no doubt that this is a garden extension proposed under a misleading description. The site is in the Green Belt. Furthermore, if past planning history is any guide we can expect follow-up applications built upon any permission granted under this application.

In the first instance this application should not be considered before the errors and omissions on the submitted plans are corrected and together with the details required by Council's Trees and Landscape Officer they are made available for consultation by the Residents and the Parish Council.

The Plan which accompanies this Application bears no resemblance to the actuality on site. A corrected Application and Plan must acknowledge the following:

- 1) The actual correct positioning of the currently built and in construction housing
- 2) The already built Permitted Development extensions.
- 3) The already built Garages and Storage buildings
- 4) The use of the proposed pond as part of a sustainable drainage system requires a separate plan.

- 5) The Applicants were insistent on retention of their PD Rights on the Granny Annex, Tractor Shed and Main house during the last Section 73 Application. Those obviously pre-planned PD additions should now be shown.
- 6) Any amendments including drainage resulting from the changes to the "Tractor shed" (NOT/5792/22) resulting in it now being repurposed as an Office.
- 7) The plan must show the existing red line of the granted permission.
- 8) The Tennis court has no permission and should not be included in the plans.
- 9) Paths and plantings not covered by any granted permission should not be shown.
- 10) Given the history of the site a first stage contamination report is obviously required as there must be concern about seepage into the pond from the bunds which are made up from imported waste material. In addition to the above list the outstanding issues arising from the previous application which do have an impact on this Application must be addressed.

The following Conditions attached to EPF/1355/22 are a relevant concern with regard to this Application.

6 The development hereby approved shall be implemented in accordance with the foul and surface water disposal details approved under application EPF/0307/19, approved 29.05.19.

EPF/0307/19 in turn referred to EPF/1052/17 where the Drainage Officer stated:

In reply to the recently submitted documents for application EPF/1052/17, the details provided are sufficient to discharge condition 4 Flood Risk Assessment and 6 Foul and Surface Water details in principal.

This approval is subject to the applicant installing the drainage system, including reinforced gravel storage system and sewage treatment plants to the specifications detailed in the drainage plan 18-104-DWG-200-H and manufacturers specifications etc. This approval is also subject to the applicant installing and constructing all drainage systems, in accordance with relevant and current industry standards and regulations.

It seems that the drainage plan 18-104-DWG-200-H was modified 9 times until the final version dated 17/5/19 Plan H. This final plan is not on Planning search which only shows the second modification Plan A.

The drainage actually installed is of a significantly degraded design which would not have been approved if it had been offered originally. There is no plan or specification for the installed drainage which now includes using the "wildlife pond" as part of a sustainable drainage scheme.

#### Condition 8 Trees and Landscaping

Hard and soft landscaping shall be carried out in accordance with details approved under application EPF/0307/19, approved 29.05.19. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

I attach here EFDC's the report from the Tree's and Landscaping Officer ref EPF/0307/19 and the officer's comments.

This report was ignored by the Planning Officers. Stated Reasons for ignoring this advice is a requirement of planning decision making. None were given at the time.

On 30th June 2020 the Council responded to our Complaints on this issue.

The Tree and Landscaping Officer comments are also not binding on the final decision taken by the planning case officer, being part of the planning merits for consideration. This is the same with any third party representations received as in the case of the contamination advice and decision on Tilegate Farm.

On 18th September 2020 again clarified their reasons for ignoring their own Officer.

The Bunds, A Waste Disposal Operation: We have taken the view that the bunding was part of the proposal's landscaping scheme and this is legitimate because bunding and other forms of earth works do not require a separate planning permission where they are part of an existing approved landscaping scheme which was discharged accordingly. The fact that the bunding falls outside of the application red line is acceptable, on the basis that it is under the control of the applicant i.e. within the blue line. The content of the bunding would not have been conditioned requiring earth detail to be submitted if it had been part of the original planning application given that is subject to separate legislation control from the Environment Agency.

## Conclusion

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. The introduction of a residential use on to what was open agricultural land does not fall under 'appropriate' uses within the Green Belt as outlined in Paragraph 147-150 of the NPPF. The proposed new Mansion seeks to change the use of the remaining agricultural land within its curtilage to residential for urban domestic purposes and is therefore inappropriate development in terms of the Green Belt which is, by definition, harmful and which would have the potential to cause further pressures on other sites within the this Green Belt Development.

Subject to the Application being correctly presented our view is that it does not stand alone and that in the context of the whole development it should be refused. The reasons being.:

The proposal results in the introduction of a substantially increased garden with associated residential landscaping features which would constitute inappropriate development in the Green Belt and would compound the already substantial loss of openness for which no case of very special circumstances has ever been advanced to outweigh the identified harm. The proposal is therefore contrary to policy GB2A of the Local Plan (1998/2006), policy DM 4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework.

If the Council were to decide to grant permission then Permitted Development Rights should be removed."

Response to objections:

The applicant's agent has responded to the Parish Council's objection in a letter dated 25th January 2023.

## **Issues and considerations**

The main issues to consider when assessing this application are:

- Green Belt
- Residential Amenity
- Land Drainage
- Trees and Landscaping

- Ecology
- Highways

### Green Belt

The stated purpose of the pond is to enhance wildlife and the ecological value of the area and to integrate into the surface water drainage system; so as to offer additional attenuation of rainwater runoff from the site.

Changes in existing land levels will be minimal and there will be little or no import or export of material to/from the site.

The provision of a pond the application site would not seem to raise any significant issues around appearance and openness in the Green Belt. The works can be seen to have general visual interest in terms of landscaping and ecological enhancements.

Paragraph 150 of the NPPF states that engineering operations may not be inappropriate development in the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it.

The proposed pond can be considered to be an engineering operation which preserves the openness of the Green Belt and as such is not inappropriate development.

There are concerns from objectors that the proposed pond may be used as a stepping stone to further future development in the Green Belt. A number of conditions have been proposed in order to ensure that the proposed pond is used only for its intended purpose (wildlife/ecology/drainage).

### Residential Amenity

The proposed pond would not have a harmful impact on the residential amenity of any neighbouring properties, subject to the suggested planning conditions.

### Land Drainage

The application site falls within flood zone 1 (low probability of flooding). The intention is that the pond will be integrated into surface water drainage system.

EFDC Land Drainage comments:

Given the likelihood of future connections from the development proposals at Tilegate farm and previous discussions that consider its use for sustainable drainage, further details will be required to demonstrate the pond has capacity to accommodate any connection for surface water drainage. Ensuring it meets the councils Development Management policies, namely DM16, alleviating the risk of overtopping to the neighbouring watercourse.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

### Trees and Landscaping

Tree Officer original comments 4th January 2023 (superseded by final comments dated 2nd February 2023 below):

“We have a holding objection on this application due to lack of information

Comments –

The proposal description includes ‘new tree planting and associated landscaping’ as such we would expect to be provided with fully detailed landscaping proposals – i.e. species / sizes / planting densities etc. Given that this is a fundamental part of the proposal, we consider that this information should be provided as part of this application and not a later approval of conditions application.

In terms of existing and proposed levels – its not clear whether the recontouring of the land will involve importing / exporting of materials from the site. You may find it useful to request additional details for the re contouring of the land e.g. –

- Accurate levels survey of the site and immediate surroundings – with contours shown at 1m intervals.
- A plan at the same scale showing proposed contours (at 1m intervals)
- A plan at the same scale showing the degree of change of levels, at not greater than 1metre intervals.

Should this information be provided during the course of the application please re-consult.”

Tree Officer final comments 2nd February 2023:

“These comments are based on revised plans received on 25th January 2023.

In respect of the levels information , the agent has advised that ‘there will be little if any importing or exporting of materials, as the works will comprise the re-arrangement of existing.’ You may consider it appropriate to condition that no materials should be imported or exported to/ from the site.

In terms of the soft landscaping information – the detailed information requested in our previous comments have not been received.

Should you be minded to approve this application without further information being submitted please include the following condition

soft landscaping:

Prior to commencement of works, full details of soft landscape (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 works shall be carried out in accordance with the approved details. 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.”

The proposed development is acceptable, subject to the soft landscaping condition suggested by the Trees and Landscape Officer.

The above condition is required in order to secure details of tree sizes and planting densities for the shrubs and marginals as this information has not been provided to date.

## Ecology

The submitted Ecology Report provides details of the design features of the pond and sets out that the intention is to develop a natural pond which encourages native wildlife.

## Highways

Vehicular access to the site is from the main public carriageway via a private access road which serves the neighbouring residential development.

## Conclusion

Recommended for approval subject to conditions.

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

***Planning Application Case Officer: Kie Farrell***

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

## **Conditions: (8)**

- 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:

Drawing (02)001 – Site Location Plan  
Drawing (02)002 – Existing Site Plan  
Drawing (02)003 Rev B – Proposed Site Plan  
Drawing (02)004 Rev B – Proposed Layout  
Drawing (02)005 Rev B – Existing and Proposed Sections  
Drawing (02)006 – Proposed Level Changes  
Drawing (02)008 Rev A – Proposed Landscaping Plan  
Drawing (02)012 – Existing Layout Plan  
Covering Letter, RPS, 20 December 2022  
Letter from RPS, 25th January 2023  
Ecological Pond Proposals, Coyne Environmental, November 2022.

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

- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

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.

- 4 Prior to commencement of works, full details of soft landscape (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 works shall be carried out in accordance with the approved details. 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.

- 5 No soil / earthwork materials shall be imported or exported to/from the site unless otherwise agreed by the Local Planning Authority through discharge of this condition.

Reason: In order to ensure that levels are not materially altered across the site as a result of removed or 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.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no hard surfaced areas, paths or boardwalks shall be laid within the application site, unless otherwise agreed by the Local Planning Authority through an appropriate application. Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt, in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017 and the NPPF.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no structures, above ground plant, machinery, equipment or lighting relating to the works hereby permitted shall be installed without the prior agreement of the Local Planning Authority through an appropriate application. Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and the Green Belt], in accordance with policies GB2A and GB7A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 8 The pond hereby permitted shall be only for the purposes specified in the application, namely to enhance wildlife and the ecological value of the area and to integrate into the surface water drainage system, so as to offer additional attenuation of rainwater runoff from the site. It shall not be used for any leisure or recreational activity by occupiers of the adjoining residential properties or by any third party without prior consent of the Local Planning Authority through an appropriate application. Reason: In order to ensure the pond remains available for the stated purpose, and to minimise impact on the Green Belt, local character and amenity in accordance with policies GB2A, NC1, DBE2, DBE9, LL2 and ST2 of the adopted Local Plan and Alterations, policies T1, DM2, DM4 and DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives: (1)**

- 10 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.

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