



# Epping Forest District Council

## **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday 4th October 2023**

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

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday 4th October 2023 at 7.00 pm**

**Georgina Blakemore**  
Chief Executive

**Democratic Services  
Officer:**

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

**Members:**

Councillors S Heather (Chairman), D Stocker (Vice-Chairman),  
R Bassett, A Green, H Kane, S Kane, J Lea, J Lucas,  
M Markham, T Matthews, J Parsons, R Pugsley, C Whitbread  
and S Yerrell

**This meeting will be broadcast live and recorded for repeated viewing.**

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### **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 MS Teams 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 4 - 5)**

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](#) 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'.

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 6 - 7)**

To confirm the minutes of the last meeting of the Sub-Committee held on 23 August 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. 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.

**8. EPF/0625/22 - NETHERHOUSE FARM SEWARDSTONE ROAD WALTHAM ABBEY E4 7RJ (Pages 8 - 30)**

To consider the attached report for the erection of a crematorium and ceremony hall building in connection with an existing woodland cemetery approved and implemented under planning permission EPF/1125/18, involving alterations to the design of the building approved under that reference.

**9. EPF/0805/23 - 4, WOODBROOK GARDENS, WALTHAM ABBEY, EN9 3D (Pages 31 - 40)**

To consider the attached report for the demolition of an existing garage and erection of new 3 person 2 bed house

**10. EPF/0924/23 - ROSE COTTAGE, EPPING LONG GREEN, EPPING UPLAND, EPPING, CM16 6QN (Pages 41 - 52)**

To consider the attached report for the demolition of existing stables and hardstanding, construction of detached bungalow, alterations to vehicular access,

provision of parking and landscaping.

**11. EPF/1478/23 - CAMPS FARM, HOE LANE, NAZEING, WALTHAM ABBEY, EN9 2RG (Pages 53 - 73)**

To consider the attached report for the demolition of all existing structures and redevelopment with 1 x 3 bedroom single storey dwelling (Plot A) and 1 x 4 bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence

**12. EXCLUSION OF PUBLIC AND PRESS**

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

<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.

# Agenda Item 2

## **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. 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 MS Teams 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 MS Teams. Speakers must NOT forward the MS Teams 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 are available on [our website](#). 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, email [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

# Agenda Item 5

## **EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE WEST MEETING MINUTES**

**Wednesday 23 August 2023, 7.00 pm - 7.30 pm**

**Council Chamber, Civic Offices, High Street, Epping**

**Members Present:** Councillors S Heather (Chairman), D Stocker (Vice-Chairman), H Kane, S Kane, J Lea, J Lucas, M Markham, J Parsons, R Pugsley, C Whitbread and S Yerrell

**Apologies:** Councillors R Bassett and T Matthews

**Officers In Attendance:** G Courtney (Planning Applications and Appeals Manager (Development Management)), V Messenger (Democratic Services Officer) and R Moreton (Corporate Communications Officer)

**Officers In Attendance (Virtually):** L Kirman (Democratic Services Officer)

### **[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)**

#### **9 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.

#### **10 WELCOME AND INTRODUCTION**

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

#### **11 DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Members' Code of Conduct.

#### **12 MINUTES**

##### **RESOLVED:**

That the minutes of the Sub-Committee held on 12 July 2023 be taken as read and signed by the Chairman as a correct record.

#### **13 ANY OTHER BUSINESS**

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

**14 SITE VISITS**

Councillor S Heather proposed a site visit for agenda item 8, EPF/0625/22 at Netherhouse Farm, Sewardstone Road, Waltham Abbey E4 7RJ, which was seconded by Councillor H Kane, and the Committee voted in favour of a site visit.

**Resolved:**

That the determination of planning application EPF/0625/22 at Netherhouse Farm, Sewardstone Road, Waltham Abbey E4 7RJ be deferred pending a site visit by the Sub-Committee.

**15 EPF/0625/22 - NETHERHOUSE FARM, SEWARDSTONE ROAD, WALTHAM ABBEY E4 7RJ**

This application was deferred pending a site visit by the Sub-Committee.

**16 EPF/1253/23 - 15-35 OSPREY COURT, OSPREY ROAD, WALTHAM ABBEY EN9 3RZ**

This application was [refused permission](#).

**17 EPF/1254/23 - 36-44 OSPREY COURT, OSPREY ROAD, WALTHAM ABBEY EN9 3RZ**

This application was [refused permission](#).

**CHAIRMAN**

# Agenda Item 8

## OFFICER REPORT

**Application Ref:** EPF/0625/22  
**Application Type:** Full planning permission  
**Applicant:** Mr R Tomkins  
**Case Officer:** Caroline Brown  
**Site Address:** Netherhouse Farm  
Sewardstone Road  
Waltham Abbey  
E4 7RJ

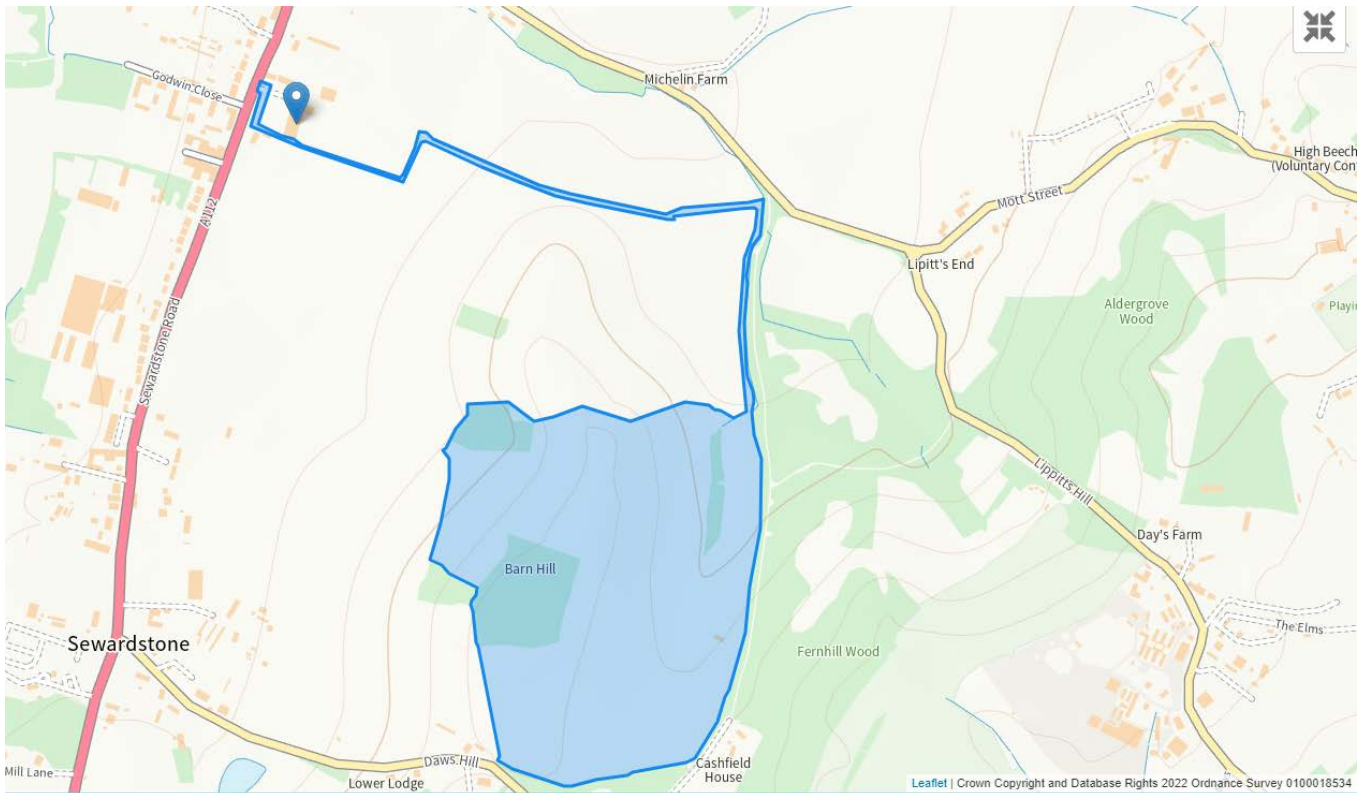
**Proposal:** Erection of a crematorium and ceremony hall building in connection with an existing woodland cemetery approved and implemented under planning permission EPF/1125/18, involving alterations to the design of the building approved under that reference.

**Ward:** Waltham Abbey High Beach

**Parish:** Waltham Abbey

**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyn6>

**Recommendation:** Approve with Conditions



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*This application is before this Committee since it has been 'called in' by Councillor Steve Heather if officers are minded to approve (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

### **Site Description :**

The application site comprises an area of some 28-hectare within a former farm complex located to the northwestern corner of the site with undulating open fields and areas of woodlands located to the northeast sloping down to the south and southeast corner. The site is situated on the eastern side of Sewardstone Road some 1.6 miles south of the town of Waltham Abbey.

The site is served by existing vehicle access points directly off Sewardstone Road and an access onto Daws Hill to the south. The site lies within the boundaries of the Metropolitan Green Belt and contains a number of preserved trees and woodlands. The wider farm area is dissected by several public rights of way and lies adjacent to land owned by the City of London (Conservators of Epping Forest).

### **Background**

The site has planning permission for a wooded cemetery in June 2017, ref: EPF/0526/17 (and 2018 Ref: EPF/1125/18 for a minor amendment) involving the construction of two main buildings located in the far southeast of the site to provide a meeting hall, a family gathering/meeting room, reception/office and storage area surrounded by outdoor areas (such as gathering space) a car park (with 2 powered two-wheeler spaces).

The meeting hall has been designed as the focus of the site and connected back to the landscape by a series of walkways and landscaped gardens and courtyards.

The cemetery is accessed by way of an existing vehicle access through the former farmyard from Sewardstone Road and along the northern and eastern boundaries of the site, upgraded to accommodate the new use. The existing access on to Daws Hill would be retained but would be for emergency access only and the existing car park within the former farm complex would be utilised for overflow parking purposes.

The cemetery is approved to accommodate some 7-10 burials per week on average and a number of ash scattering ceremonies. The proposed burial plots are to be arranged in an informal pattern with small, less conspicuous grave markers rather than the traditional layout and form of a cemetery.

It was proposed to partially convert the large building within the former farmyard in order to accommodate a buggy store and toilet/storage area for use ancillary to the cemetery use.

Pre-commencement conditions for the cemetery have been discharged and works to implement the consent were carried out prior to 22 June 2020. These included the formation of permitted access roads and car parking areas, the erection of the substation and gardeners store, the burial of overhead cables and landscaping works. Works to complete the implementation of the approval are still ongoing but the current and lawful use of the site is as a cemetery.

### **Description of Proposal:**

This application seeks consent to make some minor alterations to the approved woodland cemetery buildings (although not yet built) to include a crematorium and ancillary equipment accommodated within the approved buildings involving no operational development beyond that already permitted which includes the infrastructure pathways and internal private roadways, enhanced landscape features and woodland. The proposed car park and the immediate access arrangements are not to be altered from the original approval. The remainder of the site is landscaped as per the approved scheme.

The main differences are as follows:

- The proposed crematorium, and associated plant, would operate between the hours of 1000 hrs to 1530 hrs. to serve a maximum of 5 cremations per day.
- Installation of an electric powered cremator.
- the external appearance of the approved reception/ offices building has been slightly adapted as a result of the internal reconfiguration working closer with the existing site levels, involving a lowered floor level to the east of the building which is to house a cremator and ancillary equipment.
- The floorspace of the proposed building is increased slightly from 470 sqm to 488 sqm (18sqm) to the front of the ceremonial hall building and cremator hall.
- The proposed offices and buggy store are to be relocated from the front former farmhouse building and include them in the main cemetery/cremator building complex including 6 disabled bays and 3 electric buggy charging spaces provided in the car park.

The majority of the design principles and features of the cemetery buildings are retained with some minor alterations to the windows. The main change is the internal reconfiguration of the space; the relocation the main reception entrance/ family gathering and office area to the front of the ceremony hall involving a small canopy extension and using the approved reception area for the cremator and plant equipment.

The proposed crematorium, similar to the cemetery is to be accessed from the southeast corner of the site from a private road by vehicles. Once in the site, footpaths will connect all areas of the crematorium.

The gardeners store permitted in the earlier applications has been completed and will remain as built. Parking and waste and recycling provisions remain unchanged from the approved scheme.

The application is accompanied by a number of supporting documents, including an Identified Need Assessment, Air Quality and Noise Impact Assessment, Arboricultural and Ecological Reports, Contaminated Land and a Habitat Regulation Assessment.

### **Relevant History:**

EPF/2590/20 - Application for approval of details Reserved by Condition 19" Verification Report " for EPF/1125/18. (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- approved 12/12/2020.

EPF/2185/20 - Application for approval of details Reserved by Condition 18"remediation scheme" for EPF/1125/18. (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- Details approved - 7/11/20.

EPF/0485/19 - Application for approval of details reserved by condition 26 'ecology' of EPF/1125/18 - (Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall).- Approved-26/04/2019.

EPF/2653/18 - Application for approval of details Reserved by Condition 29 for EPF/1125/18. 29)-' Construction Method Statement' (Minor amendment on planning approval EPF/0526/17- use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall.- approved 14/12/18

EPF/2474/18 - Application for approval of details reserved by conditions 3 'above ground construction', condition 5 'foul water disposal', condition 6 'Landscape Management Plan, condition 7 'Landscape Maintenance Plan', condition 8 'Tree protection', condition 9 'Surface Water', condition 21 'Archaeology', condition 22 'Flood Risk', condition 23 'Habitat Survey', condition 24 'Bat Survey', condition 28 'Five Year

Management Plan' and condition 30 'Hard and Soft Landscaping' of EPF/1125/18 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings). - approved 07/11/18

EPF/1125/18 - Minor material amendment on planning approval EPF/0526/17 (Use as a woodland cemetery with the erection of a meeting hall and associated buildings) to enable relocation of proposed meeting hall' - approved 22 August 2018.

EPF/0526/17- Use as a woodland cemetery with the erection of a meeting hall and associated buildings - approved 21 June 2017 -

CM/EPF/0707/09 - County Matters application for the importation of 297,219 cubic metres of inert waste to facilitate the construction of an 18-hole public, pay and play golf course with associated hard and soft landscaping to include practice facilities, clubhouse, maintenance building and associated car parking - ECC decision.

EPF/0559/11 - Development of solar park together with inverter building and security fencing – refused 08/08/11.

EPF/2416/11 - Development of solar park together with inverter building and security fencing. (Resubmitted application) – refused 21/02/12 (dismissed on appeal 07/11/12)

## **DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Epping Forest District Local Plan (2011-2033) (March 2023)**

The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council and therefore has full weight when considering planning applications.

The following policies are relevant:

SP5 - Green Belt and district open land

SP6 - The natural environment, landscape character and green infrastructure

T1 - Sustainable transport choices

D2- Essential Facilities and Services

DM1 - Habitat protection and improving biodiversity.

DM2 Landscape character and ancient landscapes

DM3 –Landscape Character, Ancient Landscapes and Geodiversity

DM5 –Green and Blue Infrastructure

DM4 - Green Belt

DM9 High quality design

DM15 Managing and reducing flood risk.

DM21 Local environment impacts, pollution and land contamination

DM20 Low Carbon and Renewable Energy

DM21 Local Environmental Impacts, Pollution and Land Contamination

DM22 Air Quality

## NPPF, 2021

The revised NPPF is a material consideration in determining planning applications. The following paragraphs of the NPPF are considered to be of relevance to this application:

126 - 130 - 137- 150, 174-188,

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

A Site Notice was displayed.

Waltham Abbey Town Council – No objection.

City of London - Objection

- Increase in vehicle trips.
- The site is not serviced by Public Transport.
- It can be inferred that any vehicle trips from Epping, Loughton/Debden or Buckhurst Hill all within the EFDC district would result in trips through the EFSAC as the Forest is situated between the site and the listed settlements.
- The overall context of the 28-hectare site which is contained which is designated as Metropolitan Green Belt, should not be considered justification for more buildings above those already granted in EPF/1125/18.
- The Conservators do not believe that the very special circumstances are justified for the loss of Green Belt.
- an 'emergency accesses has been indicated on the plans by Benchmark Architects, the Conservators can confirm that no such right of access exists.

### Waltham Abbey Residents Association

- Residents do not consider that a crematorium should be a valid reason to consider this site as a Very Special Circumstance in order to justify its removal from the Green Belt. its openness should be maintained.
- Residents consider that the Cemetery has not fulfilled its obligations regarding the maintenance of the public footpaths, a condition required in the previous approved application.
- Sewardstone Road is extremely busy during the rush hour period and is constantly inundated with roadworks, due to drainage issues being at the bottom of the Lea Valley.
- Pollution to the adjacent trees in Epping Forest.

200 neighbouring residents were consulted, and 10 objections have been received that raise the following concerns:

5 Hamlet Gate, Sewardstone Road; Zuidhorn, Sewardstone Rd, 67, 56, 52, 18 Godwin Close; Maydena, Sewardstone Road; 44 & 42 Godwin Close; Deb Basham

- Overlooking/ lack of privacy to Hamlet Gate residents from the entrance of the cemetery and proposed crematorium site.
- No access for disabled visitors
- There is no pavement outside the proposed site entrance, making it very dangerous and impossible for disabled visitors to visit safely via public transport or on foot.
- Not a sustainable location for the Development.

- inappropriate development in the green belt and will have adverse effects not only in terms of losing open space but from loss of wildlife and a massive increase in pollution. adding to the increase in proposed development in Sewardstone.
- The need for a crematorium in this location and area is the only sound very special circumstance that the developer has put forward for this unsustainable location.
- lead to further noise, traffic noise and activity within an area and is of a different nature to the initial proposed woodland cemetery use.
- It will also harm the setting and character of the listed buildings of Netherhouse Farm and no Heritage Assessment has been submitted to assess the harm.
- Emissions and pollution from a single electric cremator - have a devastating impact on local human health, on wildlife and habitats and on the Epping Forest Special Area of Control. Combined effects with other developments have not been assessed.
- Not a Sustainable Location for the Development.
- There is no public transport along Sewardstone road which was recognised by the Inspector in a recent appeal decision for housing. This is not the right location for the intensification of a funeral use, especially one that requires vehicular attendance for nearly 100,000 trips per annum.
- There is insufficient on-site parking for all the uses in the former farmyard to Netherhouse Farm and there has been no accurate assessment of parking needs nor any information provided for how larger funeral attendances will be dealt with.
- Public transport provision for this scale and intensity of use is insufficient and this is not a sustainable location for this intensification.

### **Assessment of the Proposal:**

The key considerations in this application are considered against the requirements of the Development Plan and the adopted Local Plan.

- Appropriateness in the Green Belt
- Impact on openness in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.
- Impact on neighbouring amenity,
- Highway safety/ parking,
- Environmental Considerations
- Impact on Epping Special Area of Conservation

### **Impact of the development in terms of the Green Belt:**

#### **Appropriateness**

The Framework identifies that the Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open (Parag 137); the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition harmful to the Green Belt, with certain exceptions. Due to the nature of the development, a crematorium does not fall within one of these stated exceptions and may therefore be regarded as inappropriate development. In such circumstances, very special circumstances are required to outweigh the harm caused by inappropriate development (Parag 147).

The site lies within the Green Belt, located to the far southeast, surrounded by open fields and woodlands. The site is currently in use as a cemetery which has planning approval for a small cluster of interconnecting buildings to provide a hall, gathering room and family main reception/plant/offices building and car parking.

The proposed crematorium is to form an integral part of the existing cemetery site using the same approved buildings and infrastructure involving no significant changes to the footprint of the buildings or to the site levels already approved.

The space needed to accommodate the cremation equipment has been found by reorganising the internal layout, replacing the approved main reception building/office which is to be relocated to the front of the main hall building involving a small canopy extension some 18m<sup>2</sup> in size to allow sufficient storage for maintenance equipment with minimal changes to the size of the external envelope of that building. Externally, the proposal involves the construction of two chimney stacks on the roof of the crematory plant building.

The proposed buggy store is to be relocated from the main built onto Sewardstone Road as previously approved and included in the main cemetery/cremator building complex.

### Openness and Very Special Circumstances

In terms of openness, para.137 of NPPF states that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to the absence of development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect which includes the siting of buildings, height, bulk and land topography.

The proposed buildings and car park of the approved cemetery are to be located to the southeast of the site in a secluded area. The overall footprint of the buildings and car park equated to 2074m<sup>2</sup>, which is approximately 0.75% of the entire 28-hectare site. The main building footprint amounted to some 500 m<sup>2</sup>, which is 0.19% of the site area.

Furthermore, the design and siting of the approved buildings were carefully considered to minimise impact, sited in a well contained area, nestled discreetly into the existing landform where the topography is also such that the buildings are on a lower ground level, when compared to the surrounding landscape of the site.

No earthworks were proposed as part of the development and the proposed buildings, modest in scale, sited with a woodland to the southeast had minimal impact on the wider setting not readily visible from long views from outside and within the site.

Therefore, it was considered that the approved new buildings would comply with the above exception to inappropriate development. The proposal ensured the retention of the important enhanced landscape features as well as maintaining the verdant and rural character of the site and surrounding area.

Furthermore, the buildings involved the part conversion of a barn and therefore complied with paragraph 150 d) of the NPPF that states that there are certain other forms of development are not inappropriate in the Green, *'...the re-use of buildings provided that the buildings are of permanent and substantial construction.'* is a form of development that is also not inappropriate in the Green Belt provided that they preserve its openness and does not conflict with the purposes of including land within it'.

It is considered that the function and design of the approved buildings would continue to be appropriate to the landscape setting and would not give rise to any prominent or visual intrusive appearance and provide sufficient opportunities for landscaping and landscape features to enable the proposed development to integrate into the landscape character of the area.

The proposed crematorium can reasonably be regarded as an ancillary facility involving no additional buildings above the approved cemetery buildings with minimal aesthetic alterations or significantly greater harm on the visual appearance or openness of the Green Belt or to the purposes of including land within it than what has currently been approved.

Policy D2 of the Local Plan sets out that, 'proposals for new facilities will be supported where they meet an identified local need. A Sewardstone Park Crematorium Needs Assessment, January 2021, by Peter Mitchell Associates in support of the application makes a case for a clear quantitative and qualitative need for the development based on demographics, population projections, drive time analysis and existing cremation provision which will meet the current and future needs of a significant and growing catchment population.

Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

In this case, it is accepted that the proposal would simulate well with the existing cemetery site offering up-to-date facilities, involving only an internal reconfiguration of space and no additional buildings and therefore in spatial and visual terms the proposed use is not inappropriate and would not result in any significant greater harm and which maintains the openness of the green belt. The Needs Assessment report has identified the potential need for a new crematorium and, with no compelling evidence to counter attracts considerable weight in favour of the proposal.

As set out above, any new crematorium in this area is likely to require a Green Belt location. Together, these considerations carry substantial weight in favour of the proposal, and it is considered that the benefits of the proposal clearly outweigh the harm. Accordingly, it is considered that very special circumstances exist which justify the development.

#### Amenity Considerations:

The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that Local Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Relevant planning considerations include outlook, privacy and levels of daylight and sunlight. The site is located to the southeast corner of Netherhouse Farm, in a discreet remote location and where the approved development, on the edge of open fields is largely set apart from its nearest neighbouring property and therefore will not have any harmful impact on their living conditions in terms of loss of light or outlook.

In addition to the separation distance, there is a substantial landscape buffer to the north, south and east of the site. These factors combined are sufficient to ensure that the amenity and living conditions of all neighbouring occupiers would be protected.

In addition to planning policy, the 1902 Cremation Act sets out parameters for the location of a crematorium in relation to existing dwellings and the public highway.

Of particular relevance is Section 5 of the Cremation Act 1902 Act which requires that, "*no crematorium shall be constructed nearer to any dwelling-house than two hundred yards*" (182m). In this regard, it is confirmed that residential properties are in excess of the proposed location of the chimney of the building to be used as the crematorium.

Policy DM9 h (ix) of the Local Plan states that: 'all developments proposals must address issues of vibration, noise, fumes, air quality.

In terms of the noise generated from vehicle movements to and from the site, in addition to the separation distance, a woodland separates the application site from the nearest residential properties and the increase above the approved cemetery would not be so significant as to result in harm to local residents.

The proposed crematorium, and associated plant, would operate during the hours of 1000 hrs to 1530 hrs. to serve a maximum of 5 cremations per day. A noise impact assessment was carried by Syntegra Consulting Ltd in February and March 2019, and February 2022 from the proposed crematorium plant equipment and the results of the assessment identified that the noise level from the chimney and external dump cooler are not likely to exceed 30dB within the Gathering Space concluding that the development will not give any significant adverse impacts as nearby sensitive receptors and will protect the tranquillity of mourners in the grounds of the site.

Having regard to the nature of the proposed use and its surroundings it is not considered that the additional crematorium facility would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and conditions such as the hours of use, can be used to further protect their amenity. The proposal thereby complies with the requirements of policy DM9 of the adopted Local Plan, (2011-2033), 2023.

### Comments on Representations Received

The submitted neighbour objections are noted and many of the concerns have been addressed in the report.

The proposed crematorium use is to form an integral part of the approved cemetery buildings involving no new buildings and therefore results in no additional physical harm to the openness of the Green Belt above the cemetery use which was approved as it was viewed as improving the openness and landscape quality of the site through the development and associated works, ecological enhancements and remediation; the provision of a community facility; and the provision of local employment.

It is agreed that the cumulative benefits that would result from a proposed crematorium facility when joined with the cemetery use would outweigh the in principle 'harm from this inappropriate development and therefore very special circumstances exist in this instance.

Concerns regarding the sustainability of Sewardstone have been raised. The ceremony/memorial trips would largely be limited to restricted hours and days Monday-Saturday. It is generally understood that the majority of visitors associated with a cremation/burial/ceremony arrive by car irrespective of the location for various reasons (a funeral procession or a subsequent wake following the ceremony).

Visitors and attendees would be likely to occur more sporadically and some of these would be during evenings/weekends. The final type of 'visitor' to the site are those utilising the site for recreational purposes (i.e., walking, cycling, dog walking). The majority of these would arrive on foot or by bicycle, although a small number would inevitably arrive by car. Many of these trips would likely be linked to wider recreational use of the surrounding forest or Lee Valley Regional Park.

The application proposes a number of mitigation measures to assist in the sustainability of the site. Amongst others these include:

- The provision of additional/improved pedestrian and cycle links to the surrounding area.
- The provision of Travel Information Packs to staff and visitors in order to encourage sustainable transport use.
- The provision of covered cycle parking at the proposed meeting hall; and Electric Vehicle Charging Points

With regards to the other aspects of sustainability (aside from location), it has already been recognised that the proposal would provide a needed community facility to the area and would provide additional employment opportunities, although it is recognised that these would be limited. Nonetheless, these would provide both social and economic benefits to the area; the opening up of the site for greater recreational use would also improve the social sustainability of the site as it would provide a recreational facility to serve the locality.



In general, whilst the site is not particularly sustainable in terms of its location it is considered that this type of development would not generate significant enough levels of vehicle movements to cause undue harm in terms of sustainability.

Furthermore, the mitigation measures proposed would go some way to improving the use of sustainable transport modes and the development would improve the social, economic and environmental sustainability of the site.

### Essex County Council Highways

The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

The Essex County Council as Highway Authority have considered the planning application, have visited the site and thoroughly assessed the submitted transport information and concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The application was accompanied by a highway Technical Note (TN) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider highway network. Further to this, it is highly likely that planning conditions limiting the number of burials/cremations that can occur, so the figures shown within the TN are likely to be the very worst case, and not the general day to day vehicle movements.

Given that the facilities and parking are situated approx. 2km from Sewardstone Rd, along the access track, there should be no overspill parking causing highway safety issues. Any on-site parking issues should be managed by the applicant.

Consequently, subject to the imposition of conditions, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.

### Environmental Considerations

#### Air Quality

The nature of the development proposed would involve emission of the products of combustion. The application was accompanied by an Air Quality Impact Assessment which considered the likely air quality impact of a cremator operating in this location.

The main sources of emissions to the air are associated with the cremation process and vehicle movements to and from the site which have the potential to impact on existing relevant receptors in the area. The assessment considered these emissions and resultant pollutant concentrations at nearby receptor points. When operating within statutory emission limits, a 6-month air quality (Nitrogen Dioxide Concentration Levels) monitoring survey revealed that the cumulative long-term and short-term pollutant concentrations at the selected receptor locations were all found to be below the relevant Air Quality Objectives (AQOs) for the protection of human health.

In addition, the proposed cremator is a fully heated electrically and powered by the electricity network and solar panels placed on or around the crematorium and therefore considered an environment energy-efficient "green" cremator where the CO<sub>2</sub> and NO<sub>x</sub> emissions are significantly lower when compared to the emissions of gas or oil fueled cremators resulting in insignificant impacts on the relevant ecological receptors.

The Environment Health and Protection Team are satisfied with the report and its findings confirming that emissions would be low and have negligible impact on air quality and on the health of the occupiers of nearby properties and suggest emission mitigation measures such as the provision of electric vehicles charging facilities as conditions.

Further to the above, paragraph.188 of the NPPF states that local planning authorities should,

*'...focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to approval under pollution control regimes'.*

The NPPF goes on to state that: *"Planning decisions should assume that these regimes will operate effectively"*.

In this regard, the operation of a crematorium, if approved would be subject to the Environmental Permitting (England and Wales) Regulations 2016 (as Amended) which require an environmental operating permit from the Local Authority (Part B activity under the Environmental Permitting Regulations). This will require the process to meet strict emission standards and be subjected to regular emission monitoring to take place ensuring that air quality standards are maintained.

With this safeguard in place, air quality concerns relating to emissions from the crematorium can be dealt with outside of the planning system.

It is concluded that with appropriate mitigation measures in place, the risk of adverse effects due to emissions from the proposal will not be significant and is in accordance with Policy DM21 and DM22 of the adopted Local Plan.

#### Contaminated Land

The applicant provided a detailed assessment of potential contamination on site. The outcome of the assessment showed no contamination on site. and the contamination officers have not raised any objection.

#### Land Drainage

Land drainage have not raised any objection to the submitted Flood Risk Assessment and Surface Water Drainage Strategy subject to the imposition of appropriate conditions which are considered reasonable and necessary.

#### Trees and Landscape

This application is to make amendments to the previous approved scheme ref: EPF/1125/18 and the Trees and Landscape officer raises no objection to these amendments and the tree/landscape related conditions attached to the cemetery approval application ref: EPF/1125/18 (some of which have already been approved) being retained including additional conditions in accordance with policy DM3 and DM5 of the Local Plan that seeks to preserve and enhances the landscape and contribution that trees and areas of woodland cover make to the character of the district.

#### Archaeology

No objection to the proposal that will have no impact on any known archaeology.

#### Ecological impacts:

The NPPF at paragraph 174 where it states that 'planning policies and decisions should contribute to and enhance the natural local environment' by minimising impacts on and providing net gains for biodiversity.

The approved cemetery application ref: EPF/1125/18 was assessed by the Council's Ecologist officer who confirmed that subject to a number of conditions the proposed development would not be unduly detrimental to the existing ecology of the site and surrounding area. Pre-commencement conditions requesting a habitat suitability survey for Great Crested Newts, bats, reptiles, scrub, hedgerows, nestlings' birds and a badger report in the interest of protecting the existing ecology of the site have been approved and discharged.

The current proposal involves no new buildings, nor any re-grading of the landscape. A further update preliminary Ecological Appraisal by Temple Consultancy in January 2022 was carried out to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. The surveys found that the proposals will have no impact on biodiversity.

In terms of biodiversity enhancements, the proposed cemetery and cremation facility which includes the planting of some 14000 native hedging trees of which 9000 have already been planted which will enhance landscape, biodiversity and increase the ecological value of the site, as well as providing net gains to biodiversity. Together, these considerations carry substantial weight in favour of the proposal which is in accordance with policy DM1 of the adopted Local Plan.

### Epping Forest Special Area of Conservation

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

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

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

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

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

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

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

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

**Stage 2: 'Appropriate Assessment'**

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating atmospheric pollution impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAMPS.

In terms of Traffic generation, distribution and net increase in Annual Average Daily Traffic (AADT) movements within the EFSAC and the 200m buffer the Transport Assessment submitted in support of the application by Tetra Tech (TN04) confirms the proposed development will operate Monday to Saturday, equating to 6 days a week or 312 days a year.

The operational daily trip generation is accepted at 378 vehicle movements based on up to 5 cremations and 2 burials per operational day. The 6-day operation based on the operational daily generation equates to 324 AADT movements. For the purposes of the HRA review, 324 AADT movements is accepted by the Councils Transport Consultant on the basis that a condition restricting the operation of the facility to 6 days per week.

The TN04 provides information regarding the traffic distribution methodology and resulting traffic distribution onto the road network, particularly that within the EFSAC and the 200m buffer. On reviewing this and the consideration of similar facilities within the catchment as presented in Response 4 (Sections 1.11 and 1.12), it is accepted that the proposed development would result in 21 AADT additional movements within the EFSAC based on a 6-day operation and 25 AADT additional movements based on a 7-day operation.

This relates to the predicted additional AADT movements summarised in Table 1 below.

<b>Table 1 Summary of Net AADT Increase in EFSAC Route in EFSAC</b>	<b>AADT Increase 6-day/week Operation</b>	<b>AADT Increase 7-day/week Operation*</b>
Honey Lane ( E)	6	7
Avey Lane	4	5
Mott Street	4	5
Daws Hill	7	8
<b>Total</b>	<b>21</b>	<b>25</b>

The Councils Transport consultant considers the data provided is sufficient and that the predicted increase in AADT movements within the EFSAC and 200m buffer is accepted. The proposal would not therefore result in a material change to the AADT HGV movements or have a significant impact on the EFSAC or 200m buffer,

Notwithstanding the above, conditions would be applied on any approval of the scheme to restrict the operation per day to 5 cremations and 2 burials as stated in the submission (Section 1.3 of TN04) for 6 days per week (Monday to Saturday)

Given the majority of all trips attributed to the proposed development will be car-based visitor trips there is little scope for mode shift towards active or sustainable forms of travel. The mitigation of the predicted impact on the EFSAC will be restricted to the following measures,

- A minimum 30% of car parking spaces to include EV charging provision with the remainder being capable of future EV charging provision.
- A staff travel plan be submitted for approval and thereafter applied/monitored; and
- Secure and covered cycle and motorcycle parking provision in accordance with the current design guidance.

Subject to the imposition of conditions it is not considered that the proposal will significantly impact on the air quality in the locality and satisfies the requirements of policy DM21 and DM22 of the adopted Local Plan.

### Conclusion

The site lies within an area designated as Green Belt and the proposed development has been assessed against the policies of the adopted Local Plan and the NPPF and found to be inappropriate development harmful to the Green Belt and it is therefore necessary to consider as to whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal.

With respect to 'any other harm', no material harm has been identified. The proposal is very similar to what planning permission has already been approved with no operational development beyond that already permitted. The proposed crematorium and ceremony hall building, and its associated car parking areas can reasonably be regarded as an appropriate facility in connection with the existing use of the site as a cemetery. The main change is a partial internal change to the layout to accommodate the crematorium facility resulting in no new buildings, regrading of the landscape or change to the pathways or to existing landscape features and no additional harm to the openness or purposes of including land within the Green Belt .

It is not considered that the use would have any harmful impact on the residential amenity or living conditions of neighbouring occupiers or air quality, which would be subject to other controls outside of planning. The proposed parking and the resulting traffic generation are not objectionable in terms of either highway safety or capacity. The strategy for site drainage has been found acceptable by the statutory authorities and the ecological value of the site would not be harmed by the proposal. Biodiversity net gain will be achieved through the planting of new native. All these factors are to be taken as neutral balance.

The approved buildings and layout are visually appropriately designed and there are no changes to the remaining part of the cemetery's setting, landscape enhancement improvements in relation to trees and air pollution have been addressed as set out above. The crematorium would also meet an identified need, which the applicant evidenced in both qualitative and quantitative terms which attracts considerable weight in favour of the proposal.

The proposal would have an economic benefit from the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. There would also be longer term employment opportunities associated with the management and maintenance of the site. Future spending on goods and services linked to funerals, memorials and wakes would support business activity in the area, such as restaurants, caterers, hotels, and function facilities which would weigh moderately in favour of the proposal.

Notwithstanding the identified harm to the Green Belt, when all the balance of issues are considered 'very special circumstances' have been fully demonstrated that justify the sites' location within the Green Belt that clearly outweigh the limited harm.

Accordingly, the test in para. 148 of the NPPF is met and the very special circumstances exist to justify the grant of planning permission. The proposed development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore recommended for conditional approval.

**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: (39)**

- 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: 03.02.002 Rev D; 03.03.000 Rev E; 03.03.001 Rev D; 03.04.001 Rev C; 03.04.010 Rev C; 03.05.001 Rev C; 03.05.002 Rev C; 03.91.001 Rev D; JDA Statement 1; JDA Statement 2; Flood Risk Assessment; Location Plan; Plant Noise Assessment; Revised Ecological Evaluation; Nitrogen Dioxide Baseline Diffusion Tube Monitoring Report; HRA Technical Note 04

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

- 3 In compliance with Condition 3 of EPF/1125/18, the works must be completed in accordance with the details approved under application ref: EPF/2474/18.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DM9 of the adopted Local Plan, (2011-2033), 2023

- 4 The use hereby permitted shall be restricted to 5 cremations and 2 burials per day for 6 days per week and only be open to customers between the hours of 10.00 to 16.00 on Monday to Saturday for the Cemetery and 10.00 to 15.00 Mon- Saturday for the Crematorium and no times on Sundays and Bank Holidays.

Reason: In order to minimise disturbance to local residents, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 In compliance with condition 6 of EPF/1125/18 works must be completed in accordance with the details approved under application Ref: EPF/2474/18.

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 the guidance contained within the National Planning Policy Framework and policies DM3 and DM5 of the adopted Local Plan, (2011-2033).

- 7 In compliance with condition 7 of EPF/1125/18 works must be completed in accordance with the details approved under Ref: EPF/2474/18.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the visual amenity to be provided by the new landscaping and to ensure a satisfactory appearance to the development, in accordance with the guidance contained within the National Planning Policy Framework and policy DM3 and DM5 of the adopted Local Plan, (2011-2033).

- 8 In compliance with condition 8 of EPF/1125/18 works must be completed in accordance with the details approved under application Ref: EPF/2474/18.

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 value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy DM3 and DM5 of the adopted Local Plan, (2011-2033)

- 9 In compliance with condition 9 of EPF/1125/18 works must be completed in accordance with the details approved under application ref: EPF/2474/18.

Reason: To ensure that a satisfactory surface treatment is provided in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policies T1 of the adopted Local Plan, (2011-2033), 2023.

- 10 No means of external lighting shall be installed on the land or buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity of this Green Belt area and nocturnal wildlife, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and policy DM1 of the Epping Forest District Council Local Plan, (2022-2033), 2023.

- 11 No marker, headstone or other monument shall be erected, unless made entirely out of biodegradable materials.

Reason: In the interests of the visual amenity of the site, in accordance with the guidance contained within the National Planning Policy Framework and policies SP5 and DM3 of the adopted Local Plan, (2011-2033), 2023

- 12 In compliance with condition 5 of EPF/1125/18 works must be completed in accordance with the details approved under ref: EPF/2474/18.

Reason:- To ensure satisfactory provision and disposal of foul water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy DM15 of the adopted Local Plan, (2011-2033), 2023.

- 13 There shall be no importation of material for any earth mounding or landscaping from outside the red lined area of the site for the construction of the development hereby approved.

Reason: To safeguard excessive vehicle movement during the construction of the development hereby approved and in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policies SP5 and DM3 of the adopted Local Plan. (2011-2033), 2023

- 14 No excavations for burials shall be undertaken within the mature established woodlands protected by Tree Preservation Order TPO/EPF/16/09.

Reason: To safeguard the health and appearance of the legally protected woodland, in accordance with the guidance contained within the NPPF and policies SP5 and DM2 of the adopted Local Plan (2011-2033), 2023

- 15 There shall be no vehicular access to the proposed development from the existing access off Daws Hill, except for Emergency Service Vehicles.

Reason: In the interests of highway safety, in accordance with the guidance contained within the NPPF and policy T1 of the adopted Local Plan, (2011-2033), 2023

- 16 No development shall take place, until signs have been erected on both sides of the access track at the points where footpaths 67 & 74 Waltham Abbey cross the track, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.



Reason: In the interest of the safety of all users of both the Right of Way and the access track, in accordance with the guidance contained within the National Planning Policy Framework and policy DM33 of the adopted Local Plan, (2011-2033), 2023 .

17 1. Provision for EVCP (+5 Dwellings and Employment Use)

Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:

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

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies T1 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

18 In compliance with condition 21 of application ref: EPF/1125/18 works must be completed in accordance with the details approved under application ref: EPF/2474/18.

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 the guidance contained within the National Planning Policy Framework and policy HC1 of the adopted Local Plan, (2011-2033)

19 In compliance with condition 23 of EPF/1125/18, works must be completed in accordance with the details approved under application ref: EPF/2474/18.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan: Nature Conservation

20 In compliance with Condition 24 of application EPF/EPF/1125/18 works must be completed in accordance with the details approved under application Ref: EPF/2474/18.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan : Nature Conservation

- 21 A precautionary approach to clearance shall be taken to avoid harming dormice or reptiles. The approach laid out in sections 4.13 and 4.26 of the preliminary ecological appraisal shall be followed.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment policy DM1 of the Epping Forest District Council Local Plan, (2011-2033), 2023.

- 22 In compliance with condition 18 of EPF/1125/18 , works must be completed in accordance with the details approved under application ref: EPF/2185/20.

Reason:- To ensure the 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 the guidance contained within the National Planning Policy Framework and policy DM21of the adopted Local Plan, (2011-2033)

- 23 In compliance with condition 19 of EPF/1125/18, works must be completed in accordance with the details approved under application ref: EPF/2590/20.

Reason:- To ensure the 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 the guidance contained within the National Planning Policy Framework and policy DM21 of the adopted Local Plan, (2011-2033).

- 24 In compliance with condition 22 of EPF/1125/18 works must be completed in accordance with the details approved under application ref: EPF/2474/18.

Reason:- The development is of a size where it is likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework and policy DM15 of the adopted Local Plan, (2011-2033).

- 25 In compliance with condition 29 of EPF/1125/18 works must be completed in accordance with the details approved under application EPF/2653/18.

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 the guidance contained within the National Planning Policy Framework and policies DM21 of the adopted Local Plan, (2011-2033), 2023

- 26 Electric vehicle charging points shall be provided for 30% of the car parking spaces shown on the approved plans with the remainder being capable of future EV charging provision.

The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 27 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Staff 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 employee.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 28 The development shall not be commenced until a scheme specifying the provisions to be made to control noise and dust emanating from the site during construction works has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include details of the construction methods to be employed and the equipment to be used. With regards to dust control measures, 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.

Reason: To ensure that the proposed construction work does not cause nuisance and disturbance to neighbouring occupiers, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 29 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub

or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

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 the guidance contained within the National Planning Policy Framework and policies DM3 and DM5 of the adopted Local Plan.

- 30 Prior to the first beneficial use of the development the vehicle parking and turning areas, as indicated on the approved plans, shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained for their intended purpose for the duration of the development.

Reason: To ensure that appropriate parking and turning is provided

- 31 Details shall be submitted to the Local Planning Authority, to be approved in writing, for appropriate cycle parking for the proposal. The approved facility shall be secure, convenient, covered, and provided prior to the first occupation and shall be retained as such at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 32 The development is to be carried out in accordance with the flood risk assessment (Ambiental Flood risk Assessment, 6644, final v1.0) and drainage strategy (6644-DR01, Revision 1 and 6644-DR02) submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

- 33 In compliance with condition 26 of EPF/1125/18, works must be completed in accordance with the details approved under application EPF/0485/19.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan : Nature Conservation

- 34 All works on scrub and hedgerows shall be undertaken outside of bird breeding season. If this is not possible any scrub/hedgerows shall be checked for nesting birds prior to works. Should the presence of nesting birds be found that area must be left until all young have fledged.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan : Nature Conservation.

35 In compliance with Condition 28 of EPF/1125/18 works must be completed in accordance with the details approved under application ref: EPF/2474/18.

Reason: In the interests of protecting existing ecology, in accordance with the National Planning Policy Framework Chapter 11: Conserving and enhancing the natural environment and Epping Forest District Council Local Plan : Nature Conservation

36 Tree protection shall be installed as shown on Hallwood Associates 'Tree Protection Plan' drawing number HWA10007.03\_TPP (dated 15th February 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the adopted Local Plan, (2022-2033), 2033 and the NPPF, 2021

37 In compliance with condition 30 of EPF/1125/18 works must be completed in accordance with the details approved under application ref: EPF/2474/18.

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 the guidance contained within the National Planning Policy Framework and policies DM3 and DM5 of the adopted Local Plan. Although a landscaping scheme was submitted with the original application EPF/0526/17, the details do not take into account the amended position of the meeting hall and associated buildings, therefore a revised scheme is required sufficient to minimise the visual impact of the buildings

38 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

39 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (3)**

- 40 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.
- 41 i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath nos.67 & 74 Waltham Abbey shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

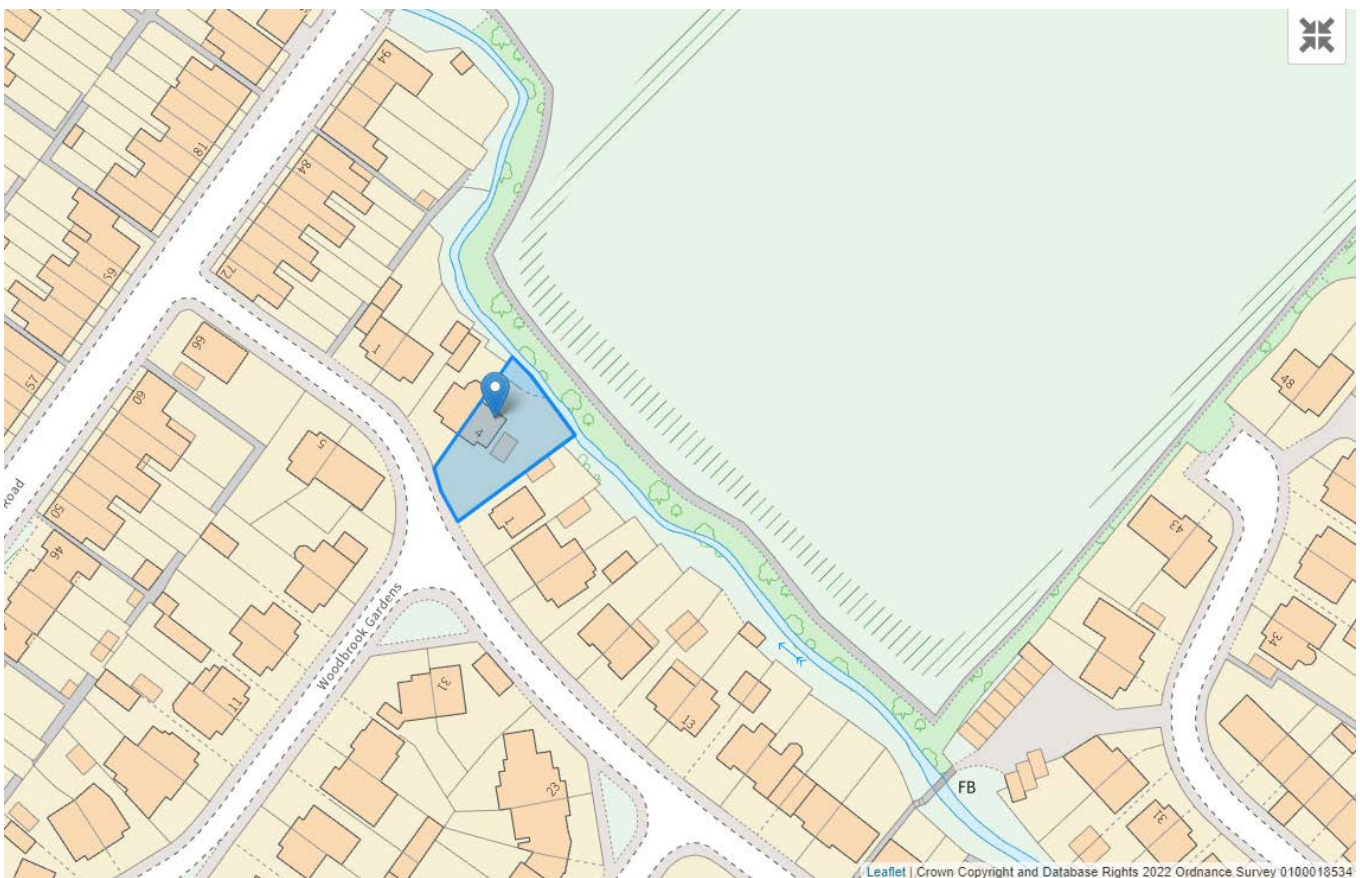
The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. 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)

- 42 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.

## OFFICER REPORT

**Application Ref:** EPF/0805/23  
**Application Type:** Full planning permission  
**Applicant:** Mr O Coskuner  
**Case Officer:** Ian Ansell  
**Site Address:** 4, Woodbrook Gardens, Waltham Abbey, EN9 3DA  
**Proposal:** The demolition of an existing garage and erection of new 3 person 2 bed house  
**Ward:** Waltham Abbey Honey Lane  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VsIS>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)



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

### **Description of Site:**

The site lies on the north east side of the road, at its junction with Honeybrook. The existing property comprises a two storey semi-detached house on a wider than average plot. There is a detached single garage at the side but the house is not otherwise extended.

The site lies in a wholly residential area, at this point mostly semi-detached pairs although the immediate neighbour is detached. Much of the site lies within a 10m buffer of a brook at the rear and the whole site lies within flood zone 2

### **Description of Proposal:**

The application seeks to demolish the garage and erect a two storey detached 2 bed dwelling. The front of the building is set midway between the frontages of the adjacent houses. At the rear, part of the building adjoining 1 Honeybrook is single storey with a flat roof.

Materials to match the existing dwellings are indicated and all window openings are in the front and rear elevation. The original frontage is divided with parking for both dwellings off existing crossover, and the rear garden is centrally divided.

### **Relevant History:**

EPF/1262/22 Demolition of an existing garage and new 3 person 2 bed house – refused on impact on living conditions of neighbour and failure to address impact on EFSAC.

### **Policies Applied:**

*Epping Forest Local Plan 2011-2033 (2023);*

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

- SP1 Spatial Development Strategy
- SP2 Place Shaping
- SP6 The Natural Environment, Landscape Character and Green and Blue Infrastructure
- T1 Sustainable transport choices
- DM1 Habitat Protection and Improving Biodiversity
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM5 Green and Blue Infrastructure
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM15 Managing and reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and enhancing Watercourses and Flood Defences
- DM19 Sustainable water use



*NPPF (July 2021):*

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186

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

Date of site visit: 15 May 2023

Number of neighbours consulted: Nine

Site notice posted: No, not required

Responses received: One response received from neighbours at 1 HONEYBROOK concerned at visual impact affecting outlook and potential overlooking and general parking issues in the area. The comments also refer to general issues around subsidence of the rear gardens into the adjacent brook and the potential for the new dwelling to be used as a rental property, neither of which are relevant to the application.

Parish Council: Waltham Abbey Town Council have objected to the application, commenting as under

*Overbearing design, appearance, materials. The plans are no different from the original one first submitted and rejected.*

It should be noted however that the Town Council raised no objection in principle to the previous application.

## **Main Issues and Considerations:**

The application has responded to the previous reasons for refusal. The building has been moved forward within the plot, thereby reducing the rear projecting two storey element on the boundary with 1 Honeybrook. As set out below, the applicant has also addressed the issues around impact on the EFSAC.

In broad terms, the site appears large enough to accommodate a dwelling – the plot sizes of both existing and proposed provide sufficient garden areas at the rear for family homes and provide parking off street without need to increase the size of vehicle crossing. The Highway Authority have advised that the proposals are considered acceptable to them. This is consistent with the previous application, where no highways or parking reason for refusal could be justified.

The building has been repositioned forward of the existing house, but behind the other neighbour, resulting in a stepped frontage similar to elsewhere in the vicinity. The two storey flank wall now only projects around 2m beyond the rear wall of the adjoining house at 1 Honey Brook. The house is set away from the boundary (having a side access to a garage in the rear garden) and lies to the south-east of the development. Officers therefore conclude that the impact is now not significant.

Otherwise, the design and external appearance appears to take a reasonable approach – the overall scale and finishes are consistent with the adjoining properties and there is sufficient variety in built form in the area to accommodate the different style of this building.

The site lies in Flood Zone 2 and a Flood Risk Assessment (FRA) has been submitted. This shows that the building will be located outside of the flood zone and that mitigation measures can be introduced to mitigate any risk. While national and local policy seeks to steer development away towards less sensitive areas, the site lies within an area of existing residential development and the proposal does not increase flood risk in the locality. The FRA is agreed in principle with the in-house Environmental Protection and Drainage Team with detailed surface water drainage arrangements being capable of being addressed by condition. Members are also reminded that the previous application was not refused on flood risk grounds.

The site lies within 3km of the EFSAC core area. An HRA accompanying the application recognises that the development potentially increases vehicle movements, some of which would be within 200m of the key area. The applicant has acknowledged the site falls within the area where mitigation measures are required and has agreed to complete a legal agreement to address this through contributions of £1,852.63 towards recreational mitigation, £335 towards air quality mitigation and monitoring fee of 5% of the total due (£109.38). as a result an Appropriate Assessment has been undertaken.

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

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan 2011-2033.

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development

only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

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

### **Stage 1: Screening Assessment**

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

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to both the recreational pressures and atmospheric pollution Pathways of Impact. Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both the recreational pressures and atmospheric pollution Pathways of Impact.

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

#### Recreational Pressures

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

#### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the

implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

**Appropriate Assessment conclusions:**

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

**Conclusion:**

The application addresses the two reasons for the previous application being refused. The building is now sited in a location where it presents a stepped street form in conjunction to its neighbours, and by moving this forward, the impact on the adjoining dwellings is minimised. The scale and appearance of the dwelling is appropriate to its immediate surroundings.

The applicant has confirmed that they will make appropriate contributions to deal with the EFSAC mitigation measures required as a result of the development.

Subject therefore to conditions and a legal agreement, this revised scheme is recommended for approval.

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

**Planning Application Case Officer: Ian Ansell Telephone Number: 01992 564000 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (17)**

- 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: EX001 Rev A, EX002 Rev A, EX003 Rev A, PL001 Rev A, PL002 Rev A, PL003 Rev A, PL004 Rev A and PL005 Rev A

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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been 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 DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed to each dwelling and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Prior to the first occupation of the development the dropped kerb access shall be widened to a minimum width of 5 metres for at least the first 6 metres into the site, from the back edge of the carriageway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety, and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021

- 14 Prior to the first occupation of the development the access arrangements and other associated works, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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 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, and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF 2021

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

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties [+Green Belt], in accordance with Policy [ ] of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (2)**

- 18 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.

- 19 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.



## OFFICER REPORT

**Application Ref:** EPF/0924/23  
**Application Type:** Full planning permission  
**Applicant:** Mr & Mrs Worby  
**Case Officer:** Kie Farrell  
**Site Address:** Rose Cottage, Epping Long Green, Epping Upland, Epping, CM16 6QN  
**Proposal:** Demolition of existing stables and hardstanding, construction of detached bungalow, alterations to vehicular access, provision of parking and landscaping.  
**Ward:** Broadley Common, Epping Upland and Nazeing  
**Parish:** Epping Upland  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001W5xN>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)



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***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 at the northern end of Epping Long Green and is accessed via a lane which has a junction with the B181 Epping Road approximately 200m to the east, next to the Travellers Friend pub.

The site was formally part of the residential curtilage of Rose Cottage and currently accommodates an L-shaped stable building.

The site is within the Metropolitan Green Belt. The lane running to the north of the site is also a Public Right of Way (number 45 from Nazeing). To the east of the site is Rose Cottage and opposite to the north is a development of four houses approved under permission EPF/0160/23.

#### Description of Proposal:

Demolition of existing stables and hardstanding, construction of detached bungalow, alterations to vehicular access, provision of parking and landscaping.

- Single storey 2b4p dwelling, 82 sq m
- 2 car parking spaces

#### Relevant Planning History (013506):

EF\2020\ENQ\01110

Demolition of existing stables building and construction of detached bungalow.  
Advice issued 5th January 2021.

EPF/0893/88

Erection of stable

Approved 25.08.1988.

#### Policies Applied:

Adopted Local Plan (March 2023):

DM1 - Habitat Protection and Improving Biodiversity

DM4 – Green Belt

DM9 – High Quality Design

DM10 – Housing Design and Quality.

NPPF (September 2023).

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

Epping Upland Parish Council: Objection.

“The Parish Council received a very well researched and well argued written objection from a local resident. The Council agreed almost entirely with the objection except for the views on traffic volumes although it was fully agreed that the nature of the road was restrictive. The Parish Council voted to strongly object to the application and supports the objection submitted by the resident. The Council feels strongly that should the application be approved by the District Council the following planning conditions need to be included in the approval. 1. That the adjacent hedgerows be protected. 2. That during the building works the road must remain open at all times for access/egress by residents and the emergency services. 3. That electric vehicle charging points be included in the design. 4. Visitors parking needs to be included to avoid congesting an already narrow roadway.”

13 neighbours consulted: 10 comments received, comprising 10 objections:

Concerns summarised:

- Impact on Green Belt

- Impact on Wildlife
- Traffic Impact/Highway Safety
- Impact on Public Footpath
- Impact on Residential Amenity

Issues and Considerations:

The main issues to consider relate to Impact on Green Belt, Character and Appearance, Residential Amenity, Quality of Accommodation, Trees and Landscape, Ecology, Contaminated Land, Highways and SAC.

Green Belt

Existing Stable Building:

The original stable building as approved by permission EPF/0893/88 in August 1988 was a square shaped building measuring 12 feet by 12 feet. The existing stable building is a much larger L-shaped building and therefore it is important to establish whether the existing building is lawful.

An email was received from the agent on 29th August 2023 providing evidence of the lawfulness of the existing building in the form of historic aerial images which show the L-shaped building.

This evidence has been reviewed along with the Council's own historic images and it is considered that the existing L-shaped building is lawful on the basis that it is operational development that has been in place for in excess of 4 years and no enforcement action was taken during this period.

Previously Developed Land:

The existing stable building constitutes previously developed land.

Paragraph 149 of the NPPF (September 2023) states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development;*

Policy DM4 of the Adopted Local Plan (March 2023) repeats the above wording of the NPPF.

The submitted Planning Statement provides details of the footprint, volume and maximum height of the existing and proposed buildings which is set out below in table form for ease of reference.

	Existing Stable	Proposed Dwelling	Difference
Footprint	115 sq m	98.5 sq m	-16.5 sq m
Volume	457 m3	354 m3	-103 m3 (-23%)
Max Height	3.7m	4.6m	+0.9m

On the basis that the proposed dwelling would have a reduced footprint and volume compared to the existing stable building and the maximum height would be increased by only 90cm it is considered that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The proposed development would therefore not be inappropriate development and is acceptable in terms of Green Belt impact.

### Character and Appearance

The submitted drawings show that the proposed dwelling will be constructed with traditional materials (black waterboard, black aluminium windows, red brick plinth and tiled roof).

The design of the building is of a footprint, layout and scale that will be in keeping with the vernacular rural character of the surrounding area and therefore complies with policies DM4 and DM9 of the Adopted Local Plan and NPPF (2023).

The proposal is acceptable in terms of design, character and appearance.

### Residential Amenity

The nearest neighbouring residential properties are Plots 3 and 4 of the development approved by permission EPF/0160/23.

The submitted drawings show that the window in bedroom 2 facing Plots 3 and 4 would be obscure glazed and as this room is served by a second side facing window which would provide outlook, the front window could be obscure glazed in order to ensure no harmful loss of privacy to the occupiers of Plots 3 and 4 or the future occupiers of the proposed dwelling.

The kitchen/living/dining area would have a small clear glazed window facing Plots 3 and 4, however the main opening in this room would be to the south onto the patio and rear garden area and there is a third window in the flank elevation looking onto the garden. It is considered that the ground floor kitchen/living/dining area facing Plots 3 and 4 (with a distance of approximately 12m between facing habitable room windows on the front elevation of each dwelling) would not result in a significantly harmful impact on the privacy of the occupiers of Plots 3 and 4 or the future occupiers of the proposed dwelling.

The proposed dwelling is sufficiently separated from other neighbouring dwellings that it would not have a harmful impact in terms of visual or residential amenity.

The proposed development is considered to be acceptable in terms of impact on residential amenity.

### Quality of Accommodation

The proposed 2b4p dwelling has an internal floor area of 81.8 sq m which comfortably exceeds the minimum requirements of the national space standards for a 2b4p dwelling over a single storey (70 sq m).

All habitable rooms would have a clear glazed window which would provide acceptable levels of light and outlook.

A large garden area of 550 sq m is proposed which will provide suitable private amenity space.

Overall the quality of accommodation is acceptable.

### Trees and Landscape

Tree Officer comments (19th June 2023):

“We have NO OBJECTION to this application subject to the addition of the following conditions:-

## ARCUS condition 70 – Hard and soft landscaping

### Tree Protection

Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-18673-PL-03 (dated April 2023) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF."

### Ecology

The submitted Ecology Report concludes that the existing stable building is unsuitable for use by roosting bats and no evidence indicating the presence of bats was observed.

The existing building can therefore be demolished without any risk to protected species.

### Contaminated Land

EFDC Contaminated Land comments dated 4 July 2023:

I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see, the site has no acknowledged potentially contaminated land but nearby land does. As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues. I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site. Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN56 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge. 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP4 of the adopted Local Plan and Alterations 1998 & 2006

INF 05 – Asbestos Asbestos Informative. It is noted that existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance Epping Forest District Council works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from the site.

## Highways

Two car parking spaces are proposed which is sufficient to serve the proposed 2 bedroom dwelling.

The submitted HRA Trip Generation Assessment concludes that the proposed development would result in a net reduction in the number of vehicle movements to and from the site compared to the existing stable use.

Essex CC Highways have no objection to the proposal (full comments below).

Acceptable in this respect.

ECC Highways comments 19th June 2023:

“From a highway and transportation perspective the Highway Authority has no objections to this proposal as it is not contrary to the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

### Informative

i. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public’s rights and ease of passage over Public Footpath no.45 Epping Upland, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Please be aware that ECC will only maintain the surface of accessway commensurate with its use as a Public Footpath.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

ii. 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)”

### SAC

The submitted HRA Trip Generation Assessment concludes as follows (Par 5.4):

“Net AADT was calculated as being a decrease of 3 trips, including a reduction in trips routing through or within 200m of the EFSAC of trip per day. It is therefore expected than no mitigation would need to be sought by EFDC.”

The Council adopted an Interim Strategy for managing recreational pressures on the Epping Forest Special Area of Conservation (EFSAC) in October 2018. This requires a financial ‘recreation contribution’ of £352 for each net additional dwelling built within 3km of the EFSAC.

The application site falls outside of the 3km Zone of Influence and therefore no mitigation contribution is required in respect of recreational impact.

More recently, the Council adopted an Interim Air Pollution Mitigation Strategy (APMS) (dated December 2020, adopted 8th February 2021) in order to mitigate the effects of new development on air quality. This requires mitigation in the form of a financial contribution - £335 per dwelling, as well as ensuring all new car parking spaces have physical access to an EV charging point and provision of digital communications infrastructure to support home working.

Mitigation is therefore required in the form of a financial contribution (£335) to address air quality impact.

The applicant has agreed to make the required financial contribution by unilateral undertaking.

EV charging point and digital communications infrastructure will be secured by planning condition.

Conclusion: Recommended for approval, subject to conditions and legal agreement.

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

**Planning Application Case Officer: Kie Farrell-Telephone Number: 01992 564000 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (13)**

- 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:

2023-718-001 – Existing Plans, Elevations & Location Plan

2023-718-002 – Proposed Plans and Elevations

Planning Statement, Stephen Hayhurst

Arboricultural Impact Assessment and Method Statement, Tracy Clarke, April 2023

Sustainability Statement, Stephen Hayhurst, May 2023

Sustainability Checklist

Preliminary Ecological Appraisal/Low Impact EclA, Hybrid Ecology Ltd, June 2023

HRA Trip Generation Assessment, EAS, May 2023

Email from agent dated 29th August 2023 (Lawfulness of existing building).

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. The parking of vehicles of site operatives and visitors
2. Loading and unloading of plant and materials
3. Storage of plant and materials used in constructing the development
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
5. Measures to control the emission of dust and dirt during construction, including wheel washing. 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.
7. Tree protection measures.

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 DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

5 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan' drawing number TCTC-18673-PL-03 (dated April 2023) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 Prior to preliminary ground works taking place, details of surface and foul 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials, and type of boundary treatment to be erected, shall have been submitted to

an approved by the Local Planning Authority, in writing. The approved boundary treatment shall be implemented prior to the occupation of the development and so 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 T1 & DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority. Reason:- The specific circumstances of this site warrant the Local Planning Authority having control over any further development, in accordance with the guidance contained within the National Planning Policy Framework and policies DM4 and DM9 of the Adopted Local Plan (March 2023).

- 13 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where

appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (4)**

- 14 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.
- 15 It is noted that existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance Epping Forest District Council works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from the site.
- 16 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over Public Footpath no.45 Epping Upland, shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Please be aware that ECC will only maintain the surface of accessway commensurate with its use as a Public Footpath.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

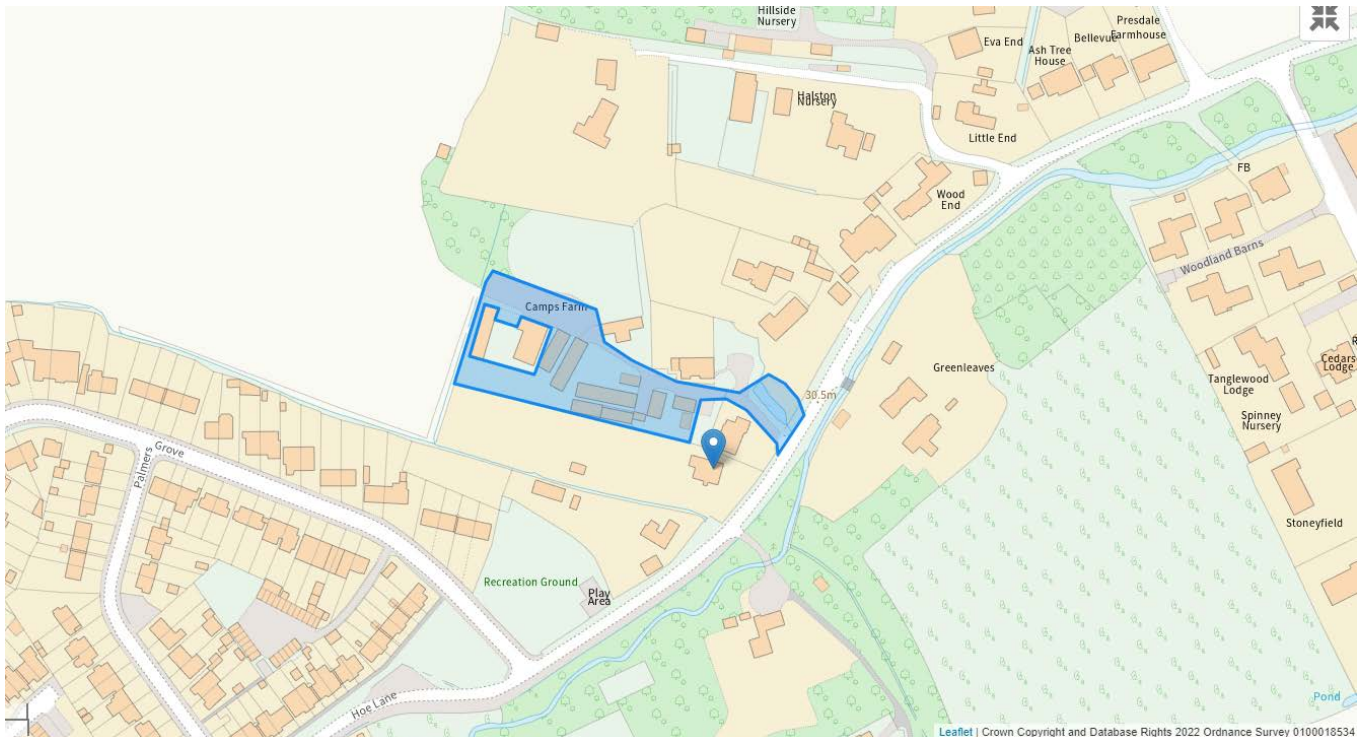
- 17 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed

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)

## OFFICER REPORT

**Application Ref:** EPF/1478/23  
**Application Type:** Full planning permission  
**Applicant:** Mr P Arnold  
**Case Officer:** Sukhvinder Dhadwar  
**Site Address:** Camps Farm, Hoe Lane, Nazeing, Waltham Abbey, EN9 2RG  
**Proposal:** Demolition of all existing structures and redevelopment with 1 x 3 bedroom single storey dwelling (Plot A) and 1 x 4 bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence

**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WjtK>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)



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

### **Description of Site:**

The site covers an area of 0.39 hectares. The buildings on the site are single storey and comprise four former agricultural buildings used for chickens and feed storage together with a row of derelict pig sheds and a cart shed. A gravel drive runs through the centre of the site provides access to farmland to the west.

The eastern part of the site lies within Nazeing Conservation Area. The line of the Nazeing and South Roydon Conservation Area follows the eastern edge of Building No 5. The Site falls within land designated as Green Belt.

To the north, directly adjacent to Camps Farm's farmyard, is the grade II listed sixteenth century house known as Camps and separately listed grade II listed barn. On the opposite side of the road is the grade II\* listed Greenleaves and its separately listed grade II\* barn, there is also an outbuilding to the north of Greenleaves that is grade II listed. to the south is the grade II listed The White House (listed as Camps Farmhouse). This is a sixteenth century timber framed house used as the Camps Farm farmhouse during the twentieth century and which is now separated from the farmyard by a modern replacement farmhouse, known as Shiree Lodge. to the east is agricultural land and to the west are agricultural barns.

### **Description of Proposal:**

Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking; resubmission of EPF/2100/22 with additional supporting evidence.

### **Relevant History:**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>
EPF/0379/89	Change of use of chicken sheds to dry storage for general goods.	Approved
EPF/250/91	Retention of sheds for day storage purposes	Approved
EPF/1143/91	Use of redundant farm buildings for storage of exhibition materials. (Temporary permission	Approved
EPF/0887/93	Renewal of permission for: 1) Retention of sheds for dry storage purposes 2) Use of building for storage of exhibition materials 3) repair and refurbishment of exhibition materials.	Approved
EPF/599/94	Renewal of planning permission EPF/946/88 (Conversion of barn/butcher's shop to dwelling)	Approved
EPF/1353/96	Retention of sheds for dry storage of exhibition materials and repair and refurbishment of such materials.	Approved
EPF/1845/99	The continued use of four sheds for dry storage purposes	Allowed subject to conditions

EPF/1992/00	Renewal of planning application for use of sheds for dry storage.	Approved
EPF/0528/00	Change of use of farm shop and inclusion into barn conversion.	Approved
EPF/0536/04	Continued use of sheds for dry storage following expiry of temporary permission EPF/1992/00 (allowed on appeal). (Barley Shed)	Approved
EPF/1920/09 and LB/EPF/1926/09	Change of use and adaptation of barn to single dwelling.	Granted
EPF/1719/14	Grade II listed building application for the change of use and adaptation of barn to single dwelling. (Amended application)	Approved
EPF/0490/19	Prior approval application for a proposed change of use of Agricultural buildings to 4 Residential Dwellings (C3).	Prior approval required and granted
EPF/2016/19	Continued use of former Turkey Shed (Unit 4) for B8 storage purposes with ancillary office use and vehicle parking.	Approved
EPF/1795/20	Redevelopment with four dwellings including a pair of linked detached three-bedroom properties (Plots A and B) and two detached four-bedroom dwellings (Plots C and D) together with a drainage strategy and arrangements for access and parking.	Withdrawn
EPF/2206/20	Re-build existing damaged outbuilding to same dimensions and similar materials.	Refused
EPF/2234/21	Application for a proposed demolition of all existing structures and redevelopment with 2 x 3-bedroom single storey dwellings and 1 x 4-bedroom single storey dwelling together with landscaping, a drainage strategy and arrangements for access and parking.	Refused
EPF/0765/22	The proposal is for prior approval for a change of use of agricultural building to 4 smaller dwellings under Part 3 Class Q (GPDO 2015 as amended).	Withdrawn
EPF/2105/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Withdrawn
EPF/2100/22	Demolition of all existing structures and redevelopment with 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B) together with landscaping, a drainage strategy and arrangements for access and parking	Refused – Appeal pending.
Reasons for refusal:		

The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)

In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

## **DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Epping Forest Local Plan 2011-2033 (2023):**

On the 06 March 2023 at an Extraordinary Council meeting the Submission Version Local Plan was adopted by Epping Forest District Council. The now adopted Local Plan will be referred to as the Epping Forest District Local Plan 2011-2033 (2023).

The relevant policies are listed below:

#### **Policy**

SP1 - Spatial Development Strategy 2011-2033

SP2 - Place Shaping

H1 - Housing Mix and Accommodation Types

T1 - Sustainable Transport Choices

DM1 - Habitat Protection and Improving Biodiversity

DM2 - Epping Forest SAC and the Lee Valley SPA

DM4 – Green Belt

DM5 - Green and Blue Infrastructure

DM6 - Designated and Undesignated Open Spaces

DM7 - Heritage Assets

DM9 - High Quality Design

DM10 - Housing Design and Quality



DM11 - Waste Recycling Facilities on New Development  
DM15 - Managing and Reducing Flood Risk  
DM16 - Sustainable Drainage Systems  
DM17 - Protecting and Enhancing Watercourses and Flood Defences  
DM18 - On Site Management of Wastewater and Water Supply  
DM19 - Sustainable Water Use  
DM20 - Low Carbon and Renewable Energy  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality

### NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either; (a) approving development proposals that accord with an up-to-date development plan without delay; or (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

### Consultation Carried Out and Summary of Representations Received

Site notice posted: Yes

Responses received: Greenleaves, Fieldside Hoe Lane, White House Hoe Lane

- The Camps Farm buildings are clearly all agricultural and non-permanent buildings and not previously developed land, so the application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt
- A number of planning officers and two Planning Inspectors have already stated in the many previous storage planning applications at Camps Farm that the buildings are non-permanent and that permanent development of them would be inappropriate development in the Green Belt
- The buildings are of inferior quality and design to the nearby listed buildings and will negatively affect them.
- The buildings are too close to the listed buildings and too large which again will negatively affect the nearby listed buildings.
- The conservation area and listed buildings cluster will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.
- There is far too much hardstanding and parking, and the road is too wide; it urbanises a rural,

greenbelt, conservation area.

- There are great crested newts in the nearby area, but the applicants have not conducted the required survey.
- At present, there are very few traffic movements on site, just a few a day. Clearly houses will generate much more traffic, affecting the Epping Forest SAC and the already congested Nazeing roads.
- The buildings do not generate any noise at present - the change of use will produce a highly dense cluster of buildings which will impact the enjoyment of my house and garden (I have an open aspect over Camps Farm and the noise will easily travel). This is a peaceful rural area and should remain so
- The noise and traffic will be further exacerbated by the applicant's intention to develop further other parts of the site.
- The applicants have not properly addressed the employment space issue and clearly the planning officer has seen recent unauthorised use of various buildings for employment purposes.
- The sheds were previously used for poultry for many decades and will likely be contaminated. Asbestos is present across the Camps Farm site and there is a pile of it discarded next to the Chicken shed.
- This end of Hoe Lane is not a sustainable location for housing development. The proposed housing will suffer from small gardens, low amenity, poor light and are out of keeping with the character of existing housing which is historic houses with large gardens.
- The drainage strategy states that the drainage pipes will flow to the pond (at present no drainage pipes flow to the pond) - that will exacerbate the regular and dangerous flooding of Hoe Lane caused by the pond (which does not flow properly to Nazeing Brook as it is always flooding)
- There is much other wildlife in the vicinity, including deer, badgers, bats, foxes and slow worms - the ecology report doesn't properly consider the impact on these. The site used to be much wilder than it is now and would have supported more wildlife than the pictures presented in the ecology report.
- The Camps Farm buildings are clearly temporary buildings, and the land is clearly not previously developed land, so this application does not meet the Green Belt exemption rules and is therefore inappropriate development in the Green Belt.
- The conservation area and listed buildings will be cut in half by the very large two-lane road serving these proposed buildings; given the applicants have tried to develop the back fields before it is obvious that this overly large access road is seeking to open up the back fields to development again.

PARISH COUNCIL: No objection.

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

#### **Is the development appropriate for the Green Belt?**

The NPPF 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. It is for these reasons that there is a presumption against inappropriate development in the Green Belt.

Paragraph 149 of the NPPF states that new buildings are inappropriate development subject to a number of exceptions. Paragraph 150 lists also certain other forms of development that are not inappropriate provided they preserve the openness of the Green Belt.

I viewed the condition of the existing buildings on the site and looking at the planning history of the site found the following buildings to not be in agricultural use.

<b>Building</b>	<b>Area sq. m</b>	<b>Volume m3</b>
Turkey shed	108	365.23
Barley shed	155	585.87
Mill shed	68	270.58
Office workshop	32	68.96
Egg shed	54	156.01
<b>Total</b>	<b>417</b>	<b>1446.65</b>

These areas of the site can therefore be described as Previously Developed Land.

This is because the Turkey Shed, has B8 consent that expires on 20/2/30 (EPF/2016/19). The last temporary permissions on the Barley Shed ( (EPF/536/04) expired on 07/07/09. The reason for the temporary permissions were that the buildings were considered 'non-permeant' however they have been standing for 40 years, the permission given to the Turkey shed will make that 50 years therefore it is the case officer's view this stance is unreasonable. Their volume has therefore been included in the list of buildings which can be classed as PDL. (I note the objector's point in regard to Business rates no longer being payable on the site due to non-permanence of these buildings but consider that the history is sufficient to alter the use of this area on the balance of probabilities and fairness). The Planning Statement and other supporting document also confirm that the Mill Shed, Office workshop and egg shed are also being used for non-agricultural storage.

Exception(g) of Paragraph 149 allows Limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; (...)

Local Policy DM4 is in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The development has a total area of 290 sq. m. and a total volume is of 898.24 cubic metres. The proposal will therefore have a lesser impact on openness than the existing use.

Objectors have raised the concern that the pig sheds and combine shed which are located centrally within the site are not PDL. This comment is agreed by Officers.

Given this position. Works in this location are inappropriate development. Paragraph 144 of the NPPF requires that inappropriate development is by definition harmful to the Green Belt. It is for this reason that it would need to be demonstrated that there are very special circumstances which would clearly outweigh the harm to the Green Belt as a result of inappropriateness of the development and all other harms.

The pig sheds and combine shed buildings are in a derelict state and are not in use for agriculture and nor is there any likelihood that this part of the site will be returned to an agricultural use given its size and location centrally within the wider site, therefore their removal will be a benefit.

The volume of the proposal is 37% less than the volume of the non-agricultural buildings on the site. There is a 30% decrease in the footprint of the buildings, Furthermore, will result in the removal of the pig sty accommodation and other paraphernalia on the site and the proposal will provide additional soft landscaping, the overall the proposal will have a lesser impact on the openness of the Green Belt than the existing development and as detailed below will respect the heritage setting of this location.

It is therefore considered that there are sufficient very special circumstances to justify the change of use of this part of the site to residential.

Whilst it is noted that objections have been received in regard to the extension of the roadway to the buildings named the cockerel and chicken shed. It is recommended that conditions be imposed which requires the reduction in the size of this access to these buildings to better reflect the minimum needed to service these buildings.

It is for these reasons considered that the proposal accords with the requirements of the NPPF and DM4 of Local Plan.

### **Location Sustainability**

Hoe lane has no pavement and no street lighting. The site is approximately 3.miles from Broxbourne and Rye Hill stations ad over a 1 mile away from the nearest bus stop and amenities. Given these distances, new occupiers will be dependent on cars for the majority of their journeys. The proposal is therefore not sustainably located. It is for this reason that any future application would need to design in factors which promote a low carbon future in accordance with chapter 14 of the NPPF and policies DM10, DM11, DM15, 16, DM18, DM19 DM20 and DM22 of the Submission Local Plan.

### **Loss of Employment Use**

The same scheme was refused under reference EPF/2100/22 on the grounds that:-

The development would result in the loss of undesignated employment space and fails to provide any evidence that the employment site has no reasonable prospect of continuing to be used as such. The proposal is therefore contrary to policies SP1 (H) (i) and E1 of the Epping Forest Local Plan Adopted Local Plan (2011-2033)

The justification for this decision was that:-

*Permission under reference EPF/2016/19 for B8 storage purposes with ancillary offices relating to the Turkey Shed has been implemented.*

*I note the comments made in the planning statement for the withdrawn scheme in regard to the lawn maintenance business known as 'Top Grass' on the site. It has 10 employees.*

*The agent has also advised that there are also three solid brick buildings which occupy the eastern end of the farmyard up to the residential curtilage of Shiree Lodge labelled as Mill Shed, Egg Shed and Office/Workshop. The Mill Shed has been in use for some 25 years for commercial B8 storage purposes, latterly by a local landscape contractor. Although the previous tenancy for the Mill shed expired a year ago.*

*Policy E 1 A. (i) of the ALP seeks to retain and enhance existing, designated and undesignated, employment sites in the district for their existing uses or for Class B or Sui Generis Uses of an employment character. Further A. (ii) outlines support for proposals to redevelop, renewal, intensify or extend existing employment sites. Proposals that would result in the loss of existing employment space will be resisted by the Council unless it can be demonstrated through evidence that there is no longer a reasonable prospect of the site being used for the existing or alternative Class B or Sui Generis Uses of an employment character (E 1 A. (iv). This policy has significant weight.*

*A letter has been submitted from the Managing Director of Topgrass which states that:-  
 “Referring back to my letter of August 2021 and with regards to the potential development at Camps Farm, I have reviewed again the options available and intend to relocate TopGrass locally once the development timescale is finalised. I have been in touch with various local agents who have advised there is availability in the area to obtain similar business units.  
 However, until I have a clearer idea of the timescale for potential redevelopment, I am not in a position to commit to moving away from the Camps Farm site.”*

*The submitted planning statement indicates that the majority of the business’s employees only come to the site to collect supplies and only a small part of the unit is used for administrative work. (Area not defined).*

*The statement then indicates that should planning permission be refused the business will continue operating from this location.*

*Paragraph 3.47 of the Local Plan requires that evidence should be provided to demonstrate that the site has been marketed effectively for a minimum of 12 months at a rate which is comparable to local market value for its existing use and it must be demonstrated that the continuous use of the site for such uses is no longer viable, taking into account the site’s existing and potential long – term market demand for such uses. The submitted letter indicates that no such marketing campaign has been conducted, the proposal is therefore contrary to the requirements of policy E1 of the LP. “*

The Planning Agent has now come back and references other examples of planning approvals given for residential uses on commercial sites including:

Reference	Description of development	Location off Hoe Lane	Reason for approval
EPF/0734/14	Erection of four dwellings following demolition of kennels and associated commercial buildings and relinquishment of a residential mobile home	Winston Farm	Reduction In HGVs
EPF/0110/16	Demolition of existing structures and cessation of commercial use and erection of two detached dwellings	Spinney Nursery	Reduction in vehicle movement
EPF/2271/16	Demolition of existing commercial buildings and erection of 6 x 4-bedroom detached dwellings	Burleigh Nursery	Local support for the reduction in HGV movements
EPF/0259/16 and EPF/3500/17	Demolition of existing industrial buildings, vacant stabling and a residential apartment and construction of 8 detached family homes and 10 ‘affordable’ houses  And subsequent application (EPF/3500/17) which sought to increase the number of	Stoneshot Farm	Loss of commercial use was not cited as an issue for consideration. The proposed residential use would result in a reduction in HGV traffic using Hoe Lane, a narrow rural road. This would have benefits for road safety, the living

	dwellings to 18 semidetached family houses and 18 “affordable” homes		conditions of the occupants of nearby dwellings and also in terms of air quality. Along with the provision of above policy requirement Affordable housing
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It should however be noted that these permission were given as a result of compliance with the now superseded policy E4 of the Local Plan (1998-2010) which did not require evidence of a 12 month marketing campaign and consultation responses from local residents indicated that they were in support of the proposals because Hoe Lane was considered inadequate as an access route to the existing lawful commercial uses which required the use of HGVs to carry out their functions safely and without nuisance to other users of this road.

This application also now includes a Commercial Viability Report by Withers Thomas dated May 2023 which has found that:-

- With the exception of the Turkey shed the buildings on the side of a poor condition. Permission for the Turkey Shed for B8 purposes runs out in 20230 therefore possibility of reletting would be very limited.
- Due to the poor condition of the units they will need extension renovation including new roofs, insulation and three phase electric supplies
- The access to the site in particular for HGV user would be difficult.
- There are more suitable properties nearby i.e. currently in excess of 300,000 sq. ft of industrial space on the market, within Broxbourne, Nazeing and Harlow (including 3 modern units within Nazeing) and a further circa 500,000 sq. ft in Waltham Cross and Waltham Abbey, including new, purpose built, units which are far more appealing to any prospective tenant (Beatty Road, Waltham Cross).
- Assuming any commercial redevelopment was restricted to the same height and floor space limitations as the two proposed residential units, it would not be possible to achieve a commercial return on the level of investment required to redevelop the site for employment related purposes.

The independent analysis made by the viability report has found that due to the poor condition of the site, lack of adequate HGV access and more suitable sites available in the locality, is accepted by Officers and as such this overcomes the previous reason for refusal and is considered to comply with the requirements of policy E1 of the Local Plan.

**Impact on the setting of surrounding listed Buildings and wider Nazeing and South Roydon Conservation Area.**

The Local Planning Authority has a legal duty under S66(1) and S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 to

- (1) have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses; and
- (2) special regard should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

Paragraph 199 of the NPPF requires that: -

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 202 of the NPPF requires that: -

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The Conservation Officer has reviewed the application and made the following comments: -

*Camps Farm is a historic farmyard that currently consists of a number of largely redundant 20th century agricultural sheds. The subject site is located within the setting of numerous Listed buildings, and a majority of the site sits within the Nazeing and South Roydon Conservation Area, a large area designated to ensure the preservation of its distinctive open landscape and historic pattern of development. This designation takes special consideration of the area's ancient settlements, of which those along Hoe Lane including the larger 'Camps' site is a part. On the opposite side of the road is the Grade II\* Listed Greenleaves (no.1337294), an early 15th century hall house, and its early 15th century barn, Listed separately Grade II\* (no.1111139). Historic England notes that Grade II\* Listed buildings are particularly important buildings of more than special interest, making up only 5.8% of all Listed buildings nationally. There is also an outbuilding of 18th century origins within the Greenleaves site that is constructed with 13th- 14th century timber posts; this is Listed separately at Grade II (no.1337295). To the north of the subject site, directly adjacent to Camps Farm's farmyard, is the Grade II Listed 18th century house known as Camps (a.k.a. 'Camps Manor') (no.1111137) and its separately Listed Grade II barn (no.1111138). To the south of the subject site is the Grade II Listed Camps Farmhouse (a.k.a. 'The White House') (no.1181814), a 16th century timber framed house used as the farmhouse for Camps Farm during the 20th century but is now separated from the farmyard by a modern 'replacement' farmhouse known as Shiree Lodge (c. 1976). The White House's curtilage Listed barn, Camps Grange, was converted to residential in the late 20th century; this sits just north of the subject site and would be sited directly across from the proposed development. Further to the south is Parker's Farmhouse, also Listed at Grade II (no.1111140) (...). This application seeks planning consent for the demolition of all existing structures and redevelopment with two dwellings: 1 x 3-bedroom single storey dwelling (Plot A) and 1 x 4-bedroom single storey dwelling (Plot B). This together with landscaping, a drainage strategy and arrangements for access and parking.*

*The current application is a resubmission of the recently refused planning application, EPF/2100/22. That previous scheme was subject to multiple detailed comments from Conservation, the design and layout of which was subsequently amended in line with that advice. The current proposal closely follows that previous scheme is thusly considered to be ACCEPTABLE in terms of conservation.*

It is for these reasons that the proposal complies with the requirements of policy DM7 of the Local Plan.

## **Design**

The proposal is of the same design as that proposed under EPF/2100/22. That application found the proposed scale and form of the dwellings to be acceptable as it will preserve the barn aesthetic within this rural location.

The dwelling within Plot A is now separated from the boundary with Shiree Lodge by 11.67m, a minimum of 7.49m from the southern boundary which is screened by a hedge and 17.8m from the nearest point of the residential dwelling at The White House. It is separated from the dwelling within Plot B by a gap of 13m to the fencing in front of the glazed door serving the living /kitchen area of the dwelling within plot B. The nearest window within Camps Grange is 10.7m away. It is therefore recommended that natural screening be provided in front of the window serving bedroom 1 of this property. This dwelling has 300 sqm of amenity space.

Plans have been revised to show the position of the single storey dwelling within Plot B being amended so that its rear elevation is separated from the southern boundary by a gap of at least 9.37m. The plot has 428 sqm of amenity space and sufficient parking to meet the needs of any future occupiers.

The internal size and layout of the proposed new houses meets the requirements of Policy DM10 (A).

The proposed landscaping trees indicates that 23 new trees will be planted on the site. This is a positive benefit weighing in favour of the scheme. The proposal therefore accords with the requirements of DM5 of the LP.

For the reasons listed above and the existing 3m-5m high leylandii hedge along the southern boundary, it is therefore considered that the proposal will not have an excessively harmful impact on neighbouring properties in terms of light, outlook, privacy and sense of enclosure in accordance with policy DM9 (H).

### **Highway considerations**

The Highway Authority is satisfied that subject to conditions there will be no detriment to the highway's safety or efficiency at this location. Sufficient parking has also been provided. The proposal therefore complies with the requirements of T1 of the Local Plan.

### **Land Drainage**

The Land Drainage team recommend conditions to ensure that the proposal will mitigate against any flood risk including surface water flooding generated by the proposal. It is subject to these conditions that the proposal complies with the requirements of policies DM15 and DM16 of the Local Plan.

### **Land Contamination**

Given the proposed sensitive use proposed, it is recommended further conditions area attached to ensure remediation prior to the implementation of any permission. It is on this basis that the proposal complies with the requirements of DM21 of the Local Plan.

It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding).

### **Ecology**

An Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 was submitted as part of the application.

Bat surveys were undertaken in 2018 and a full survey of protected species was carried out in July 2021. No evidence of any presence bats was found.

The pond had a Great Crested Newt Habitat Suitability Index of 0.41 indicating that it was of poor suitability for this species. In addition, the lawns and gravel drive at the site offered unsuitable terrestrial dispersal habitat for the species.

No evidence of badgers was found at the site.

Since there was no evidence of Protected Species at the site, a European Protected Species Licence will not be required for this project.

The recommendations made in section 9 and 10 of the Ecological Survey and Assessment by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021 should be attached as a condition to any permission. On this basis, the proposal would accord with the requirements of DM1 of the LP.



## Epping Forest Special Area of Conservation

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

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

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

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

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

### Stage 1: Screening Assessment

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

The site lies within the 3km - 6.2 km Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council in April 2022 as a material consideration in the determination of planning applications. Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

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

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

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

### Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently requires all new residential development within 3 - 6.2km ZOI to contribute £343.02 per dwelling. Within this strategic context the Council is satisfied that the application proposal would not, as a result, have an adverse impact on the integrity of the EFSAC.

#### Atmospheric Pollution

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

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

#### **Conclusion:**

The proposal is not inappropriate development in the Green Belt and will have a limited impact on openness.

There will be no adverse impact on the significance of nearby heritage assets. The loss of the existing commercial use has adequately been justified. Subject to conditions, the proposal will not have adverse impact on highway safety or neighbouring residential amenity.

The applicant has agreed to enter into a Unilateral Undertaking to ensure that any adverse impact on the integrity of the Epping Forest Special Area of Conservation is mitigated.

It is for these reasons that the proposal is considered to comply with both national and local policy and approval is recommended subject to a S106 agreement to mitigate any harm to the EFSAC and 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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

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

**Conditions: (18)**

- 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:

Topographical Survey

Arboricultural Report by Ms Greenwood dated August 2021

Landscaping proposals drawing no. 1223.22.1 Rev C dated December 2022

Ecological Survey and Assessment by Essex Mammal Surveys dated July 2021

Phase 1 Geo Physical Report by Argyll dated July 2020

Expanded Phase II Geo Environmental Investigation by Land Science dated May 2021

Structural Report by DWW concerning the pig sties dated July 2021

FRA and SuDS Report by EAS dated November 2022

Heritage Statement including a Statement of Significance by BEAMS dated December 2019

Proposal and Impact Statement by BEAMS dated May 2022

Transport Statement and EFSAC Trip Generation Assessment by EAS dated April 2022

Letter dated 11th May 2022 concerning the future of TopGrass

Energy and Sustainability Statement by EEABS dated May 2022

Internal Daylight Assessment by EEABS dated May 2022

Plot A Post Occupancy Evaluation Questionnaire

Plot A Preliminary WLC Analysis

Plot B Post Occupancy Evaluation Questionnaire and

Plot B Preliminary WLC Analysis

Planning statement

Design and Access Statement November 2022

Commercial Viability Report by Withers Thomas

HD20007 – 1001 Rev E Location Plan

HD20007 – 5001 Rev B Existing Site Plan

HD20007 – 5002 Rev L Proposed Site Plan

HD20007 – 1002 Rev L Proposed Site Plan Overlay

HD20007 - 2000 Rev I Proposed Streetscene elevation

HD20007 – 4000 Rev L View 1 from Hoe Lane

HD20007 – 4001 Rev K View 2 from access road

HD20007- 4002 Rev L View 3 from Shiree Lodge

HD20007 - 4003 Rev L View 4 from end of access road

HD20007 - 4005 Rev M View 5 from upper floor of White House

HD20007 - 4010 Rev H 3D ISO

HD2007 - 5002 Rev L Proposed site plan

HD2007 - 5011 Rev H Plot A Proposed floor plans and elevations

HD20007 - 5012 Rev G Plot B Proposed floor plans and elevations.

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

- 3 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 DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include:-  
calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools.  
details regarding 'Extra Flood Resistance and Resilience Measures' in line with the Environment Agency's Standing Advice, this ensuring the construction of methods used are appropriate in line with the flood depths.

A comprehensive Flood Evacuation Plan is required with particular attention paid to the access road, detailing safe access and egress from the development, and ensuring the future occupants are aware of the flood risk to the access of the proposed development.

There are known localised flooding issues within proximity of this development, as such exploration for improvements to existing drainage must be considered. This includes an assessment of the capacity within the existing pond, inclusive of maintenance/clearance of the feature as well as its associated drainage and improvements to the surface water drainage on the access road which is currently indicated as to continue with its current arrangement.

The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to above ground works taking place, the surface water drainage for the development shall be carried out in accordance with the drainage strategy set out in the Flood Risk Assessment and Drainage Strategy, '2777/2022, Revision E' and in turn the Proposed SuDS Layout '1834, SK08 A, 24th November 2022' submitted with the application 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 Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Elizabeth Greenwood 'Tree surgery and protection farm', Darwing Ref: 1055.21.2 App H dated August 2021, prior to the commencement of development activities (including any demolition).

The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.

- 7 Notwithstanding the approved plans; no permission is given to works outside of the redline of the site.

Reason: To comply with the requirements of Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 8 Hard and soft landscaping shall be implemented as shown on Elizabeth Greenwood 'Landscape Proposals', Drawing No: 1123.22.1C dated May 2022; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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, 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 policies DM3 and DM5 of the Epping Forest District Local Plan 2011-2033, and the NPPF 2021.

- 9 The proposed development should be undertaken in accordance with the recommendations made in the Ecological Survey and Assessment carried out by John Dobson B.Sc. of Essex Mammal Surveys dated July 2021.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with the NPPF, policy DM1 of the Adopted Local Plan.

- 10 Samples of the types and colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by

the LPA in writing prior to the commencement of any works. Thereafter, the development shall be completed in accordance with the approved details, and so retained.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 All new rainwater goods and soil and vent pipes shall be of black painted metal.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Additional drawings of the type, colour, and position of new boundary treatments and/or means of enclosure shall be submitted to and approved by the LPA in writing prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Details and colours of all external pipes, extracts, grilles, flues, lights and any alarm boxes or satellite dishes to be fixed to the fabric of the building shall be submitted to and approved by the LPA prior to the commencement of any works.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with Policy DM7 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 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 Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

17 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B or E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area; living conditions on adjoining properties and the openness of the Green Belt], in accordance with Policies DM4, DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (3)**

19 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.

20 It is noted that the existing buildings may contain Asbestos Containing Materials (ACM's). The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practice and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site.

21 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.