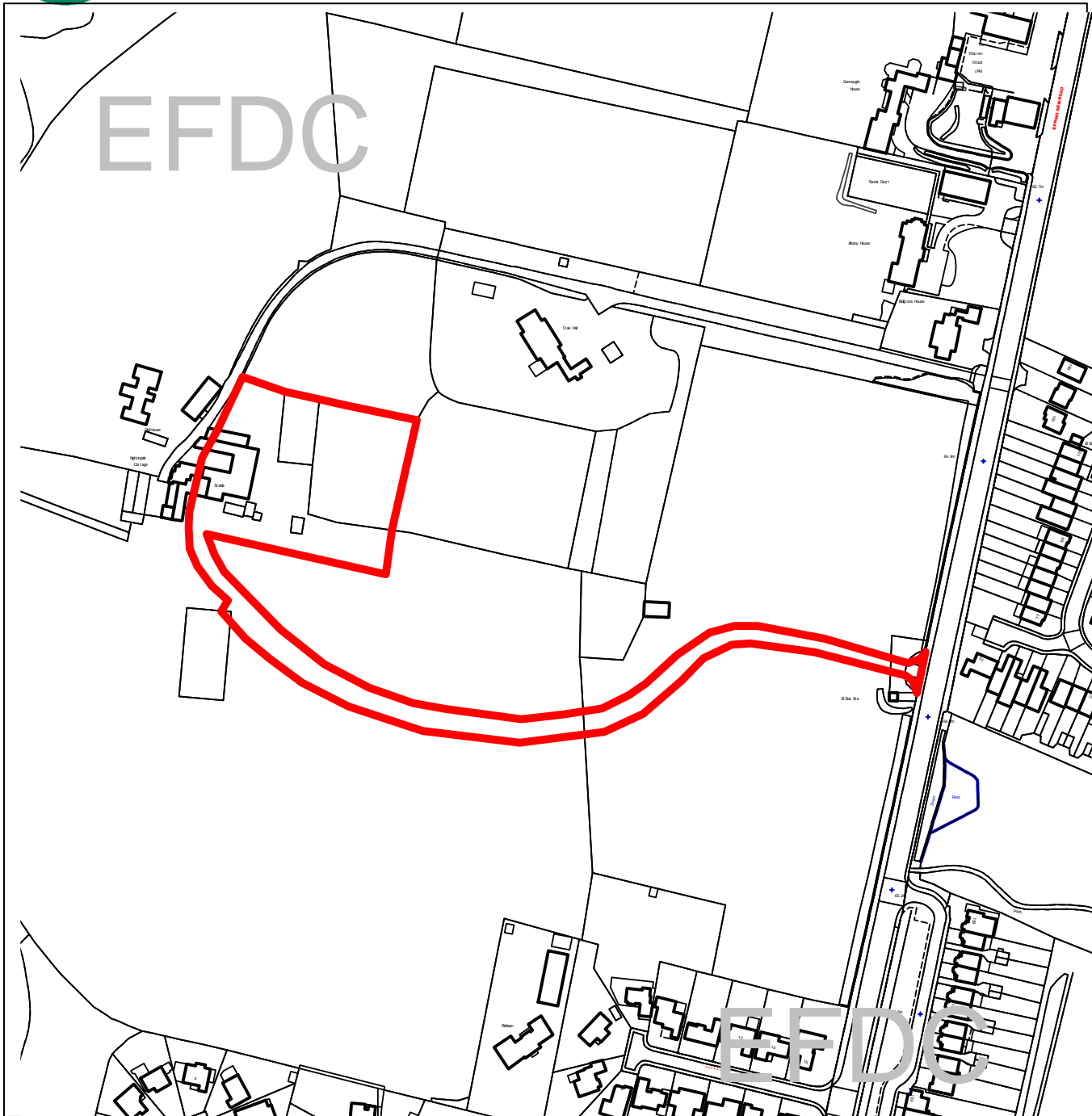




# Epping Forest District Council



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Application Number:	EPF/2619/21
Site Name:	Albany Stud Farm Epping New Road, Buckhurst Hill IG9 5UA
Scale of Plot:	1:2500

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/2619/21
<b>SITE ADDRESS:</b>	Albany Stud Farm Epping New Road Buckhurst Hill IG9 5UA
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Baljit Virk
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling and associated works, including security hut & access road.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=658214](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=658214)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 001 rev B, 101, 200, 201, 202, 203, 204, 205, 220, 300, 301, 510, 511, 512 and 520; DFCP2994TPP Rev A, 181016-E01 rev C, and 181016-P01 rev C5.
- 3 Tree protection shall be installed as shown on DF Clark Bionomique 'Tree Protection Plan' drawing number DFCP 2994 TPP Rev A (dated February 2020) prior to the commencement of development activities (including any ground works). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 4 No development shall take place, including any works of demolition, until an updated Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 5 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- 6 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 7 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.
- 8 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.
- 9 Prior to any above ground works, 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. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 10 Prior to any above ground works, details of any external lighting within the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter no additional external lighting shall be installed without prior consent of the local planning authority through an appropriate application.
- 11 There shall be no increase in finished floor and external site levels beyond those shown on drawings 220, 300, 301 hereby approved, unless such details have been approved prior to the changes being implemented by the local planning authority through an appropriate application.

- 12 Surface water drainage measures shall be provided strictly in accordance with the proposed drainage plan 181016-P01 Rev C5 hereby approved, unless otherwise varied by the Local Planning Authority through an appropriate application, and shall thereafter be retained for the lifetime of the development.
- 13 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 14 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.
- 15 All material excavated from the below ground works hereby approved shall be removed from the site.
- 16 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 17 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 18 Prior to first occupation of the development hereby approved, 2 Electric Vehicle Charging Points shall be installed and retained thereafter for use by the occupants of the site.
- 19 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.
- 20 Within one month of first occupation of the dwelling hereby permitted, the temporary security hut shown on drawings 300 and 301 hereby approved and the construction access road through the site shown on drawing 001 rev B shall be removed in the entirety and the land reinstated to its former condition. All access to the dwelling for residential occupiers shall be from the existing residential access to the west and north of the dwelling.
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, AA, B, E and

F of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

- 22 No increase in the domestic curtilage shown on drawing number 200 hereby approved shall take place without prior consent from the local planning authority through an appropriate planning application.

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

### **Description of Site:**

The application site lies to the west side of Epping New Road. The site is accessed from a private gated road that also serves Dell House and Oak Hall, both substantial two storey dwellings rebuilt on the plots of smaller previous dwellings; the access is largely single track and the application site is some 340 metres from the road.

The application site is now a cleared site, previous buildings comprised both single and two storey structures which included two flats, stable buildings and parking areas. The stables have now been replaced by a detached building located south east of the application site.

The site is primarily located at the lower end of sloping ground that falls from the north, east and south, such that the open areas abutting the existing buildings lie at the foot of these slopes. This part of the site is visible from Epping New Road, although there is screening vegetation along this boundary, and from the south from dwellings on the other side of the paddocks and fields.

The site is wholly within the Green Belt and the southern open part of the site is subject to covenants benefiting the Epping Forest Conservators..

### **Description of Proposal:**

This application seeks permission to erect a dwelling on the site of the previous buildings. Permission for the same dwelling was granted in 2017, but has since lapsed and the new building is of the same form and siting.

The dwelling is indicated as a two storey building with a basement and limited accommodation in the roof space. It is located directly to the east of the main existing buildings on an area that includes some paddock but includes some scrub, rubbish, outbuildings and unmade vehicle turning space. The main façade lies on the north side, visible from the approach road, and the rear is around 3m from the covenanted open land. Primary materials are brick and tile with some rendering. The roof accommodation includes only one dormer in the south facing elevation, and three roof lights. A detached garage building for four vehicles lies to the north east of the building served from the frontage courtyard. The basement extends under this courtyard.

The application also seeks to regularise two temporary elements. A construction haul road was installed across the field under permitted development for construction purposes as part of the previous works. The application seeks to retain this for the duration of the current works. A site security hut, currently positioned in the centre of the field will also be relocated adjacent of the construction access from Epping new Road, this building measures 6.5m long, 3,5m wide and 2.8m high and is also intended only for the duration of the construction of the dwelling. The application is accompanied by a number of detailed reports dealing with contaminated land, basement impact assessment, arboricultural impact and preliminary ecological impact.

### **Relevant History:**

There have been a number of applications relating to the new dwelling and stable. A replacement dwelling and new stable block was first approved in 2014, and a further application for both was again granted under EPF/1536/17. Subsequently, a revised application for the stable building was approved under EPF/1355/18 and this was implemented. A number of applications for additional works to the stable complex are being considered separately.

### **Policies Applied:**

#### *Adopted Local Plan:*

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

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

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- GB2A Development in the Green Belt
- GB7A Conspicuous development
- NC3 Replacement of lost habitat
- NC4 Protection of established habitat
- RP4 Contaminated land
- U3B Sustainable Drainage systems
- DBE1 Design of New Buildings
- DBE2 Affect on Neighbouring Properties
- DBE3 Design in Urban Areas
- DBE4 Design in the Green Belt
- DBE6 Car parking in new development
- DBE7 Public Open Space
- DBE8 Private Amenity Space
- DBE9 Loss of Amenity
- LL11 Landscaping Schemes
- ST1 Location of Development
- ST2 Accessibility of development
- ST4 Road Safety
- ST6 Vehicle parking

#### *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                              |
| 13 | Protecting Green Belt land – paragraphs 137, 138, 141, 143, 147, 148, 149                        |
| 14 | Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169 |
| 15 | Conserving and enhancing the natural environment – 174, 175, 179 - 182, 183, 185, 186            |

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

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

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

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

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

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

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

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

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

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

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: Previously visited

Number of neighbours consulted: 24

Site notice posted: 04 November 2021

Responses received: Three responses have been received from neighbours.

9 and 12 FERNSIDE – residents both note the need for the site hut (so long as it is not used as living accommodation) and the haul road, but wishes to see both removed post construction.

Resident at OAK HALL raises concerns at construction access and seeks to ensure the temporary access is used for all deliveries, any access from the main residential access being limited and the access road kept clean.

Parish Council: Buckhurst Hill Parish Council have objected and confirmed attendance at the relevant Area Planning Sub-Committee, making the following comments:

*The Committee find this application difficult to comprehend due to the piecemeal applications. Existing and proposed drawings are needed.*



*Unable to ascertain the potential impact on greenbelt and environment due to the lack of volumetric/cubic capacity report.*

*The temporary road is not necessary for this application.*

*Verified views should be submitted for the application*

The Conservators of Epping Forest were consulted but have not objected to the application as the built element lies outside of the covenanted land.

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

#### *Green Belt principles*

In determining the application, Members must have regard to the previous decisions for a dwelling on this site. These establish a number of key points that do apply equally to the current application. In particular, it is accepted as a matter of principle that the land is previously developed as defined in the NPPF and that a replacement dwelling is therefore appropriate development. It also establishes that such development is not tied to the original built footprint. The current application is sufficiently similar to be considered as consistent with this.

In this context, the dwelling replaces a significant sprawl of poor quality buildings. It was noted in the 2017 application that at that time, the overall built volume was being reduced by around 8% across the site and as the current application is for the same dwelling, the same assessment can be made on the current application.

The dwelling will be more visible from further afield due to its greater size and mass, but this needs to be considered in the context of the two adjacent dwellings. Both Dell House and Oak Hall are of similar width with more substantial add-ons – at Oak Hall single storey additions to the side, a large patio at the rear and a setting on substantially elevated ground; at Dell House, three prominent front gables and a large detached outbuilding on two floors providing ancillary accommodation.

Taking account therefore of the immediate surrounding properties, and the previous decisions, the development does not have a significantly greater impact on the Green Belt than previously considered acceptable.

#### *Impact on surroundings*

Properties most likely to be affected are Dell House and Oak Hall which share the site access. The property at Dell House is physically the closest, located north west of the site. The house lies at its closest point 26 metres from its own site boundary and 54 metres from the proposed dwelling. The property has a boundary fence of over 2 metres height along the whole of its eastern boundary and there is a large outbuilding abutting this boundary exceeding 17m in length with accommodation in the roof providing additional screening. Officers consider that views of the siting of the dwelling from this neighbour are limited and that the wider aspect across the open land to the south is largely unaffected by the proposals. Direct impact because of the separation distances is minimal.

The dwelling at Oak Hall lies north east of the application site. The dwelling is in excess of 100 metres from the proposed house but sits on much higher ground, with views down on to the site. The topographical survey accompanying the application indicates the difference to be around 8 metres, which officers have no reason to dispute from inspection of the site. As such, the proposed building has minimal impact on this property, both directly and in terms of the outlook across the wider open landscape.

Properties to the south are in excess of 200m away and are not directly impacted by the dwelling.

## *Design*

The topography of the land means that the dwelling is surrounded to the north by rising ground which naturally reduces its impact in the wider setting. Views from public land are restricted, to the east by existing forestation and from the east Epping New Road is in excess of 250 metres away. The scheme seeks to break the mass of the main elevations through varied building lines and eaves level detailing while using traditional materials. As previously, officers consider the overall design approach to be acceptable and appropriate to the location and form of the development.

## *Temporary works*

It is a matter of debate as to whether permission is required for the construction access and the security hut, such works can usually be undertaken as permitted development for active construction sites. Given that any permission would include some pre-commencement conditions, there is likely to be a delay which would take the works outside of the usual permitted development allowances, hence the need to regularise in the short term until construction commences. There is no suggestion that the route is currently being used for access to the stables. In broad terms, the separation of construction traffic from the residential access serving Oak Hall, Dell House and the stables is desirable in access and amenity terms. Installing a site hut to manage this traffic is also desirable on a site remote from the road. Subject to conditions to remove both after work is complete, there appears no good reason to reject these elements.

## *Impact on EFSAC*

The application amounts to a replacement dwelling. Notwithstanding the buildings have been removed in the interim, at the time base data for the assessment of the EFSAC was compiled, the site was included as having a residential component to it. As a result, the development does not result in any change in the existing approved position.

## *Other matters*

While noting the comments from the Parish Council, matters in relation to the detailed drawings are a matter for the District Council. The fact that the same development has been approved previously means that issues around built volumes have been previously dealt with previously, and there is no existing buildings to compare development with as these have all been demolished. While the Parish Council suggests a construction access is not required, this is not view shared by the resident of the other property sharing the existing access road, who wishes to see the haul road used for all site deliveries.

The historic uses of the site are such that contamination would have been likely to have occurred. The previous works have allowed investigation to reach an advanced stage and a remedial method statement is included with the application, provisions of which have been agreed with officers. Thus, conditions are required only in the context of verification that works have been completed.

A surface water drainage strategy has also been submitted which is acceptable in principle and can also be dealt with by condition.

## **Conclusion:**

The application amounts to a renewal of the previous planning permission for a dwelling, proposing the same building in the same location. The siting of the building raises few amenity concerns in the context of the surrounding area or in relation to the neighbouring occupiers.

The haul road and construction hut are matters that are only acceptable for the duration of the works and conditions can be imposed to ensure these are removed. There is no logical reason

why the road in particular should be removed at this time if it will then need to be reinstated when building work starts under permitted development.

The proposal therefore complies with relevant planning policy and it is recommended that planning permission be granted subject to appropriate conditions.

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

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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