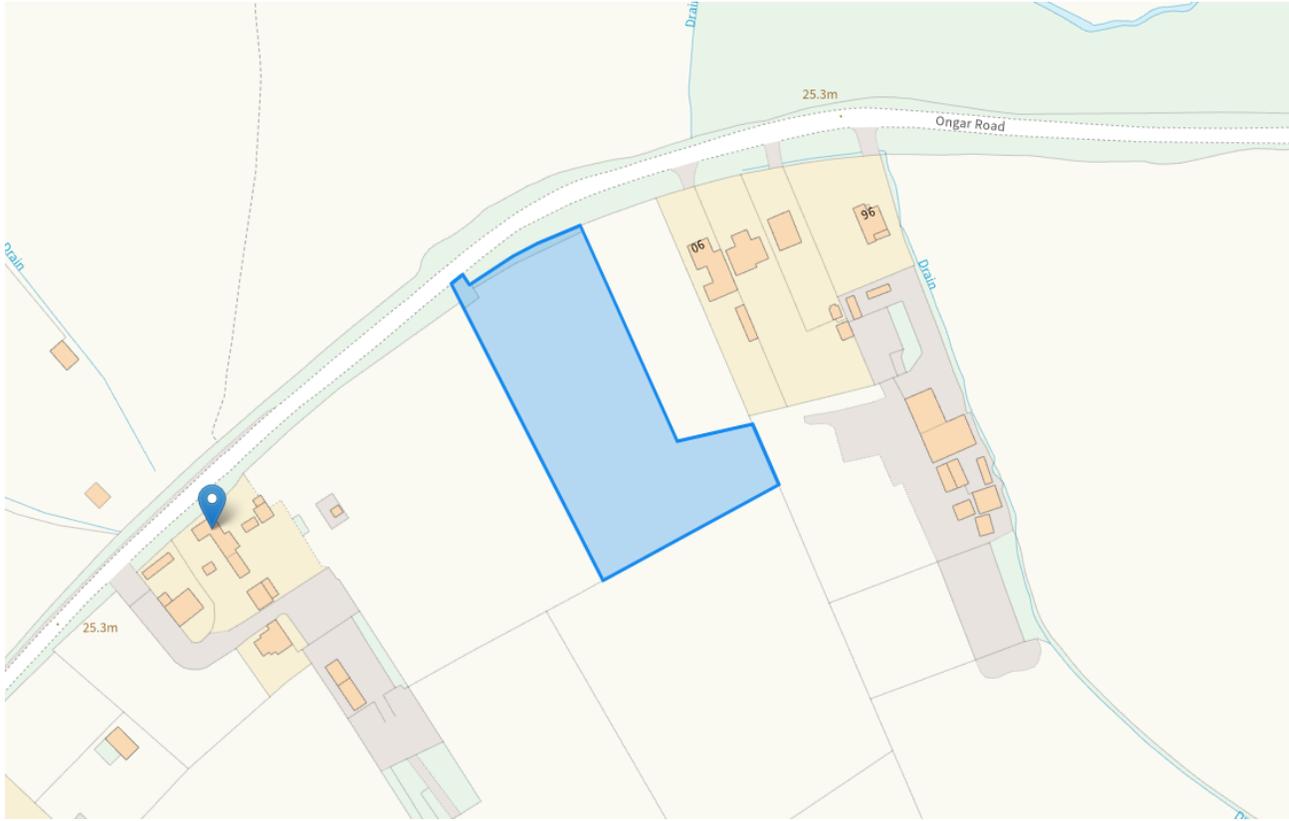




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Application Number:	EPF/0103/22
Site Name:	Grove Cottages 64 Ongar Road Lambourne, RM4 1UJ

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OFFICER REPORT

Application Ref: EPF/0103/22
Application Type: Removal/variation of conditions
Applicant: Mr Raymond Morgan
Case Officer: Muhammad Rahman
Site Address: Grove Cottages
64 Ongar Road
Lambourne
Romford
RM4 1UJ

Proposal: Application to remove condition 2 'Soft Landscaping' on EPF/2334/21 (Retention of a vehicular crossover field access, associated gate and hedgerow planting along boundary (Revised application to EPF/0229/21)

Ward: Lambourne
Parish: Lambourne
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxzA>
Recommendation: Refuse

REPORT TO DISTRICT DEVELOPMENT MANAGEMENT COMMITTEE

Date of Meeting: 21st September 2022

Democratic Services Officer: Gary Woodhall | 01992 564470

Recommendations:

1. This application carried an officer recommendation to refuse planning permission when reported to the Area Planning Sub-Committee South at their meeting on 6th April 2022 for the sole reason below;
 1. The proposal, to remove the landscaping condition, would have a significant adverse impact on the landscape character of the locality. This is due to the existing species mix of planting, which is incongruous within this rural setting, that also introduces a considerable 'urbanisation', contrary to Policy LL11 of the adopted Local Plan 1998 & 2006, Policy DM3 of the Local Plan Submission Version 2017, and the NPPF 2021.
2. Following discussion, Members voted to refuse the application. However, four Members stood in order to refer this item to District Development Management Committee for further consideration.
3. This application was deferred for a decision at the 20th April 2022 meeting of the District Development Management Committee for a Members site visit. The site visit has been arranged to take place on the 13th September.
4. The original officer report has been reproduced below.

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

Site and Surroundings

The site comprises of a plot of land situated in between 64 Ongar Road, and 90 Ongar Road, and is accessed via Ongar Road, a classified highway.

Proposal

The Application is for the Removal of Condition 2 `Landscaping' for EPF/2334/21 (Retention of a vehicular crossover field access, associated gate and hedgerow planting along boundary).

Relevant Planning History

EPF/2404/18 - Retention of vehicular crossover and gated access to fields on the site of an old historic crossover. Gate and re-planting of hedgerow boundary – Refused

EPF/0229/21 - Retention of a vehicular crossover & gated access to fields on the site of an old historic crossover & gate and replanting of a hedgerow along the boundary (Revised app to EPF/2404/18) – Refused

EPF/2334/21 - Retention of a vehicular crossover field access, associated gate and hedgerow planting along boundary (Revised application to EPF/0229/21) - Approved

Enforcement - ENF/0351/18 - Formation of vehicular crossover, gated access to fields and erection of fencing over 1m high adjacent to the highway – Closed

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

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:

LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes

National Planning Policy Framework 2021 (Framework)

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

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

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

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

Paragraph 180

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

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

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

DM3 Landscape Character, Ancient Landscapes and Geodiversity
DM5 Green and Blue Infrastructure

Summary of Representations

Number of neighbours Consulted: 4. No response(s) received
Site notice posted: No, not required.

LAMBOURNE PARISH COUNCIL – The COUNCIL objects to this planning application and feel that the condition should remain and the hedgerow be re-instated.

Planning Considerations

As the application seeks to remove condition 2 (soft landscaping) on EPF/2334/21, the Councils Arboricultural Officer has provided the following comments below;

“Within 3 months of the date of this decision notice, full details of soft landscaping works shall be submitted to the Council for approval. Details shall include plans for planting and a full written specification and schedule of plants (i.e. species / plant sizes and proposed planting densities) and including a timetable for its implementation the landscaping in the roadside of the boundary fence shall consist of a native hedgerow species mix. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

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 policy LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.”

Our comments that supported the need for this condition were as follows –

‘We note that this is a retrospective application and that the crossover and gateway have already been installed. We also note that some planting has been undertaken along the field boundary adjacent to the fence. However, given that this is the boundary of a field with agricultural status and in a rural location we would expect a native hedge to be planted – not laurels or photinia (Red Robin) as shown on the submitted plan.’ We also provided details of the native hedgerow planting species, and planting density that would be appropriate for this setting.

The letter that accompanies this current application states that *‘The majority of the land directly behind the fence has been used as residential garden since the applicant purchased the property in 2009’*. However, in application EPF/2334/21 we were advised that *‘The field is used for grazing polo horses...’*. Irrespective of the use of the land behind the fence it is the visual impact in the street scene that is of relevance and the reason that the condition was included.

Please see the photos below of the same stretch of road taken in 2014 and 2021 respectively-



Google street view dated October 2014 looking towards Abridge



Google street view dated March 2021 looking towards Abridge

The subject property boundary is on the left-hand side, and clearly shows the alteration. The length of this fence line is approx. 150metres.

We are fully aware that in order to comply with this condition that the existing planting would need to be removed. But this application is retrospective, and with its current landscaping is not considered appropriate. Had the application been submitted prior to the work being undertaken we would have requested a condition for native hedge planting. In having undertaken the work without having the necessary planning permission, was a risk that the owner took, and does not automatically mean that

what has planted is acceptable. Likewise, the fact that the landscaping information had been provided with the original application, does not mean that it is going to be acceptable.

The Chris Blandford Associates 2010 EFDC Landscape Character Assessment places this site with the 'River Valley – B4 Lower Roding'

The overall character of the area includes '*A patchwork of relatively small arable and pastoral fields line the river corridor. These fields are delineated by a network of hedgerows, occasionally containing hedgerow trees.*' And it is considered to have a moderate to high sensitivity to change.

The area around this site is rural in nature with some isolated clusters of houses, the vast majority of the surrounding land is fields in agricultural use or grazing. Where some of these nearby properties adjoin the road their front boundaries in some cases do consist of laurel / photinia – however, these are short sections of hedging, to the front of what is very clearly the front garden of a house. The remainder of the land boundaries with the road are of native trees and hedges.

In summary, in terms of the species mix of the planting along this boundary is currently incongruous within to this rural setting, it introduces a considerable 'urbanisation' which we consider is contrary to policies LL11 & DM3 – in particular that proposals should;

- Be sensitive to their setting in the landscape, and its local distinctiveness and characteristics; and
- Minimise the impact and appearance of the proposal by taking into account the surrounding landscape and using appropriate 'materials' i.e. appropriate species selection. In this case it is considered that native hedging as described within the condition would be in accordance with this policy.

Conclusion

For the reasons set out above having regard to the matters raised, it is recommended that planning permission be refused.

Alternative Recommendation

To assist with clarity, decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission unless they have already been discharged.

If Members are minded to approve the application, then a point to note is that whilst the applicant has sought to remove condition 2, however, the existing landscaping scheme will need to be secured via a condition. In this instance, it would be sufficient to modify condition 2 to as specified below. The relevant conditions are as follows;

1. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 904-01 Rev A, 904-02, F210733/01 and 221211-PL-001. Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.
2. Within 3 months of the date of this decision notice, the Landscaping scheme shall be carried out in accordance with the details specified on the approved plans. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing. 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 policy LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

3. Within 3 months of the date of this decision notice, the visibility splays, as shown on drawing no. F21073/01 (2.4m x 118m to the west & 2.4m x 107m to the east), shall be fully implemented clear to ground level, with any planting being located a minimum of 1m behind the splays and so retained. Reason: To provide clear and adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, and 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, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, and Policy T1 of the Local Plan Submission Version 2017.
4. Within 3 months of the date of this decision notice, there shall be no unbound material 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, and 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, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, and Policy T1 of the Local Plan Submission Version 2017.
5. There shall be no discharge of surface water onto the Highway. Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety, and 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, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, and Policy T1 of the Local Plan Submission Version 2017.
6. 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, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE1 & DBE4 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Should you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Refusal Reason(s): (1)

- 1 The proposal, to remove the landscaping condition, would have a significant adverse impact on the landscape character of the locality. This is due to the existing species mix of planting which is incongruous within this rural setting, that also introduces a considerable 'urbanisation', contrary to Policy LL11 of the adopted Local Plan 1998 & 2006, Policy DM3 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (2)

- 2 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.

- 3 This decision is made with reference to the following plan numbers: 904-01 Rev A, 904-02, and Supporting Documents.