

Our Ref: EPF/3231/21

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country Planning (Development Management
Procedure) Order 2010
PLANNING DECISION NOTICE



Planning Services Directorate
Civic Offices,
323 High Street,
Epping,
Essex CM16 4BZ

An electronic version of this
decision notice is available
on our website:
www.eppingforestdc.gov.uk/iplan

Case Officer was: Kie Farrell
Direct Line: 01992564248
Email:
kfarrell@eppingforestdc.gov.uk

To: Shaw & Jagger Architects Ltd
14-15 Regent Parade
Harrogate
HG1 5AW

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

Location: Tilegate Farm, Tilegate Road, High Laver, Ongar, CM5 0EA

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **GRANT PERMISSION** for the development described above, subject to compliance with the conditions listed below.

Signed

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson
Planning Services Director.

Date: 11 May 2022

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of permission EPF/1052/17 dated 01.06.2017.

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:

(02)003 F - Proposed Site Plan
(02)020 A - Proposed Main House Floor Plans
(02)024 A - Proposed Main House Elevations

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- (02)030 # - Proposed Garages and Tractor Store
- (02)031 # - Proposed Garage and Tractor Store Elevations
- (02)040 # - Proposed Annex, Ground First and Roof Plans
- (02)041 # - Proposed Annex Elevations

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

- 3 No construction works above ground level relating to the 'main house' shall take place until photographic and documentary evidence of the types, colours and details of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

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 DBE1 of the adopted Local Plan and Alterations.

- 4 The flood risk assessment and management and maintenance plan measures approved under application EPF/0307/19, approved 29.05.19 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 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 U2B of the adopted Local Plan and Alterations.

- 5 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works for the 'main house' / the remaining unbuilt elements, or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the commencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason:- It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is 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

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Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

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

Reason:- To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 of the adopted Local Plan and Alterations.

- 7 Development shall take place in accordance with details approved under application EPF/0307/19, approved 29.05.19 relating to wheel washing or other cleaning facilities for vehicles leaving the site during construction works. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with the guidance contained within the National Planning Policy Framework and policy ST4 of the adopted Local Plan and Alterations.

- 8 Hard and soft landscaping shall be carried out in accordance with details approved under application EPF/0307/19, approved 29.05.19.

If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 CP2 and LL11 of the adopted Local Plan and Alterations.

- 9 Screen walls, fences or such similar structures shall be erected in accordance with details approved under application EPF/0307/19, approved 29.05.19 and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.

Reason:- In the interest of visual amenity.

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Informatives:

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.

Notes:-

It is important that you read and understand all the following:

- a. **This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.**
- b. Applicants must satisfy themselves that **all further consents** have been obtained including, where appropriate, those affecting protected trees and Public Rights-of-Way.
- c. Applications relating to **Council-owned or former Council-owned dwellings** must meet the requirements of covenants of their lease or deeds by obtaining consent for any works from the Communities Directorate.

It is a **legal requirement** that all new domestic and commercial property addresses are registered by our Street Naming and Numbering team. If a property is not lawfully assigned an address through this process it will not appear on the council's Local Land and Property Gazetteer which is used by Royal Mail and the Emergency Services. Apply on line at <https://www.eppingforestdc.gov.uk/planning-and-building/apply-to-name-or-number-a-property-or-development/>

- e. The Council's recommended **hours of construction work** are:
7.30am – 6.30pm Monday to Friday 8.00am – 1.00pm Saturday
No noisy work on Sundays and Bank/Public Holidays
- f. The Council encourages all developers to follow the principles of **Sustainable Drainage Systems (SuDS)** in designing facilities for the handling of rainwater run-off. Furthermore, if storm drainage discharges to an existing ditch or watercourse and/or if any works are to take place to, or within 8 metres of, any open or piped watercourse, then Land Drainage Consent is required from the Council under its byelaws.
- g. Applicants are advised **not to store building materials** on the highway and not to damage highway verges, so please avoid parking construction vehicles and machinery on verges. If any damage occurs, the Council will require verges to be restored at the applicant's expense. Please be aware that highway damage is easily reported through the Council's website and will be investigated by Essex County Council officers.
- h. **Appeals to the Secretary of State**

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State via the Planning Inspectorate under Section 78 of the Town and Country Act 1990.

There are varying time periods in which to make an appeal, which are:

Advertisement consent application - within 8 weeks from receipt of the decision notice

Refusal of a householder planning application or a 'minor commercial' development application - within 12 weeks from the date on the decision notice

Listed Building Consent application and any other types of application - within 6 months from the date on the decision notice

Discontinuance Notice – appeal **must** be received by Planning Inspectorate **before** the effective date of the notice

Certificate of Lawful Use or Development - No time limit

Non determination of applications – Appeal can be made any time within 6 months (**with the exception of advertisement consent applications for which appeals must be made within 28 days**) from the date which the local planning authority had to determine the application (13 weeks for major or 8 weeks for minor unless an extended period of time had been previously agreed)

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If an **enforcement notice** is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you **must** do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of the notice, whichever period expires earlier.

For further details of how and when to appeal, including the varying time periods in which to make an appeal, please see the Procedural Guide issued by the Planning Inspectorate which can be found at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

i. Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council of the District or London Borough in which the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

j. Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Act 1990.