

AREA PLANS SUB-COMMITTEE 'WEST'

16 May 2018

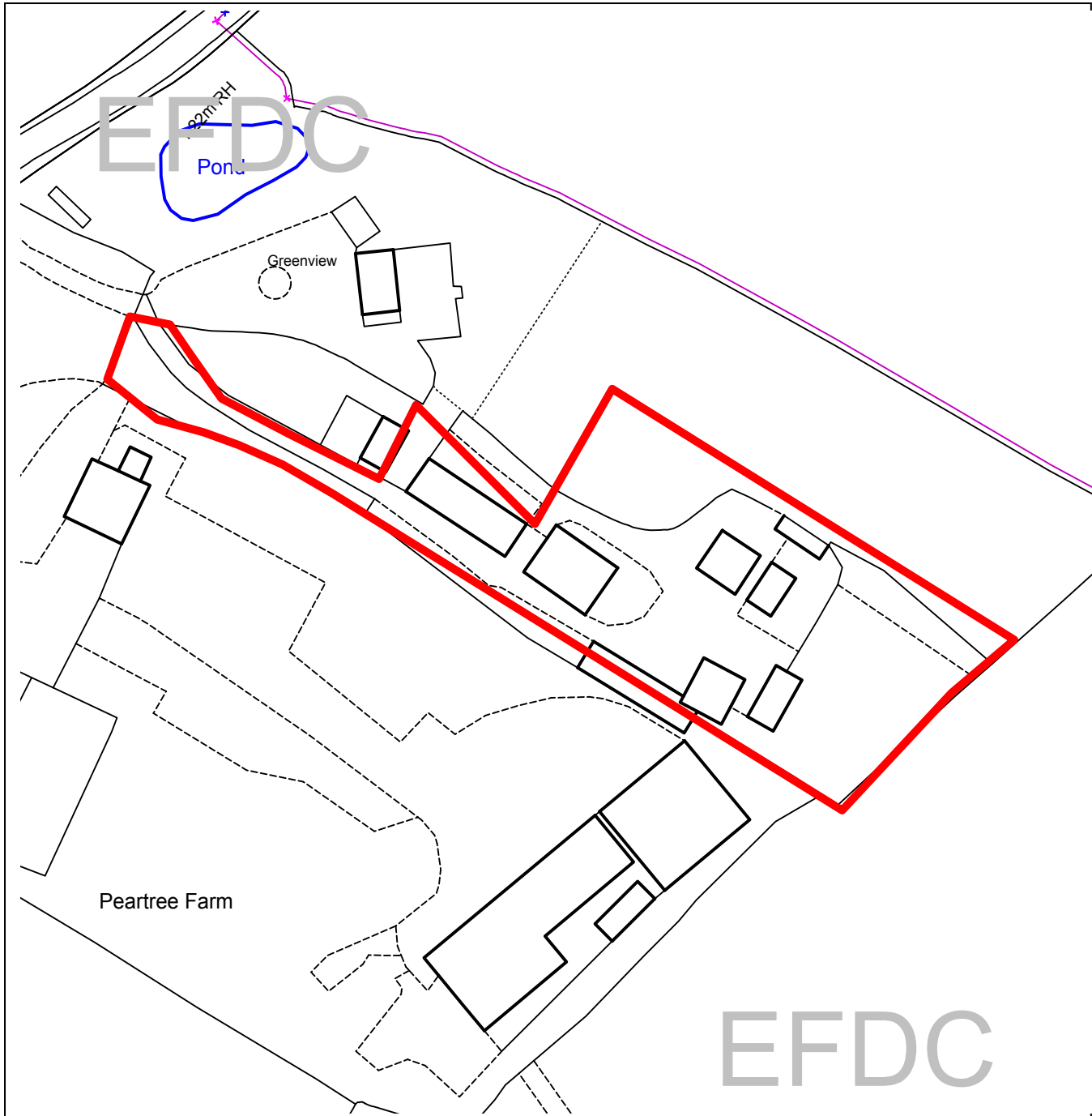
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3368/17
Site Name:	Land at Greenview Holyfield Road Waltham Abbey Essex EN9 2EW
Scale of Plot:	1:1250

Report Item No: 1

APPLICATION No:	EPF/3368/17
SITE ADDRESS:	Land at Greenview Holyfield Road Waltham Abbey Essex EN9 2EW
PARISH:	Waltham Abbey
WARD:	Waltham Abbey North East
APPLICANT:	Founthill Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing commercial buildings and erection of nine detached dwellings
RECOMMENDED DECISION:	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=603346

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: GRV - P: 01, 02, 03, 05, 06, 07, 08 09, 10, 11
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours 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.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. 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, unless the Local Planning Authority gives its written consent to any variation.

- 5 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.
- 6 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 7 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 8 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 9 Following completion of 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.
- 10 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 11 Prior to the commencement of any works a method statement for before, during and post construction should be submitted to and approved in writing by the Local Planning Authority. This should cover the avoidance of potential impacts on bats, birds, amphibians, reptiles and small mammals.
- 12 That a biodiversity enhancement statement be written and submitted to and approved in writing by the Local Planning Authority prior to commencement of works. This should include bird and bat boxes and native planting.
- 13 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. 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.

- 14 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 15 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 16 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 17 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 18 Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 19 Prior to the commencement of works all buildings and structures located within the red lined site as shown on GRV-P01 and the site location plan shall be demolished and entirely removed from the site.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

This item was deferred from the last Planning meeting since there was some confusion whether or not the Gross Internal Floor Area (GIA) of the combined dwellings exceeded 1000sqm. If this were to be the case then the proposal would be required to provide 40% of the dwellings for affordable housing or demonstrate that to do so would render the development unviable.

Since the last meeting, the applicant has provided the Council with an appeal decision which indicates that the correct methodology to apply when calculating GIA is from the Technical

Housing Standards – Nationally described space standard (CLG,2015) where amongst other things, it states that:

Any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the GIA).

As a consequence, part of the first floor (with less than 1.5m headroom) should not be counted towards the GIA and the area under the stairs should only contribute 1sqm. In this instance the total GIA for all 9 units would be 981sqm, which is below the 1000sqm threshold. Affordable housing provision is therefore not required for this proposal.

However if the GIA is measured using the Code of Measuring Practice (RICS) guidance, it is marginal whether or not the dwellings exceed 1000sqm. The applicant maintains that the GIA using this methodology is 995sqm, whereas the Housing Team remains concerned that it is slightly over the 1000sqm threshold.

Description of site

The application site is located on the eastern side of Holyfield Road which is within the area of Waltham Abbey and is within a sparse area of development to the east of Bumbles Green and to the north of the main settlement of Waltham Abbey. To the north of the red lined site is a residential dwelling known as Greenview, which is within the control of the applicant. Currently on the site are a number of structures which include two wooden built sheds, a metal clad demountable structure and structures made from scaffold which contain stored items in connection with the use of the site as a storage area. The application site is located within the boundaries of the Metropolitan Green Belt and it is not within a Conservation Area.

Description of proposal

The proposed development is to demolish and remove all structures within the site and to erect nine new dwellings.

Relevant History

EPF/0380/80 - Erection of a replacement poultry slaughter house. - Refused

EPF/0250/89 - Use of buildings for storage of scaffolding, materials and offices. - Refused

EPF/2280/17 - Certificate of Lawful Development for existing use of land to the rear for the storage of scaffolding (Class B8) - Lawful

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
CP6 – Achieving sustainable urban development patterns
H2A – Previously developed land
H3A – Housing density
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity

LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
U3B – Sustainable drainage systems

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development
SP6 – Green Belt and District Open Land
SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM1 – Habitat protection and improving Biodiversity
DM3 – Landscape character, ancient Landscapes and Geodiversity
DM4 – Green Belt
DM21 - Local Environmental Impacts, Pollution and Land Contamination
H1 – Housing Mix and accommodation types

Consultation carried out and summary of representations received

2 Neighbours consulted –

CONSERVATORS OF EPPING FOREST – OBJECTION – The proposal is inappropriate development in the Green Belt and would cause significant harm to the character and appearance of the area. The development is not suitable for this setting and would create substantial dwellings in the countryside.

WALTHAM ABBEY TOWN COUNCIL – OBJECTION - The committee objected as the proposed development would be building on the Greenbelt, and there are no special circumstances to persuade the Committee. Another concern the committee raised was regarding highway safety as the access road to the site comes off a bend on the Crooked Mile/Holyfield Road, which is already notorious as an accident blackspot, the entry and egress to and from this development could increase the risk of collisions.

Issues and Considerations

The main issues to consider are the five year housing land supply and the potential impacts on the Green Belt, the living conditions of the neighbours, the character and appearance of the area, highway issues, Trees and landscaping, land drainage, land contamination and any other material planning considerations.

Five year housing land supply

The Council cannot currently demonstrate a five year housing land supply as required by the Framework. The Submission Version of the Epping Forest Local Plan will address this issue; however the Local Plan has not yet been adopted. As such the Council submits that it can only demonstrate a 1.58 year supply of housing. In these circumstances paragraphs 14 and 49 of the Framework advise that planning permission should be granted unless any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, thereby adding weight to an approval.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. 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.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The NPPF does however allow for some exceptions to inappropriate development and one of which is the:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), 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 purpose of including land within it than the existing development.

The first stage of this exception is to consider whether the site is indeed brownfield, which is defined in the NPPF as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.(underline for officer emphasis)

A certificate of Lawfulness was issued in 2017 for this site which certified that its lawful use is for the storage of scaffold equipment (a B8 use). Such a use would fall within the Governments definition of previously developed land and thus the site is acknowledged to be brownfield land.

Whilst the site falls within the definition of previously developed land, this exception to inappropriate development explicitly excludes temporary buildings being considered as part of the redevelopment under this exception but requires a permanent structure to be present on the site.

The large wooden building located toward the entrance of the site labelled on drawing number GRV-P01 as 'shed one' and the smaller building labelled as 'shed two' are clearly permanent buildings. However the structures labelled as 'store one', 'store three', 'store four', 'store five', 'store six', 'store seven' and 'store eight' are constructed entirely of scaffold material and therefore have questionable permanence.

Section 336 of the Town and Country Planning Act 1990 defines a building as:

Any structure or erection

Within this context and having regard to the definition of previously developed land within the NPPF, the structures currently on the site can be considered to be buildings for the purposes of planning policy.

The key question to address then is whether these structures are permanent. The buildings as they currently stand have been in situ since at least 2010 based on the Council's satellite photographs and as a result would benefit from existing use rights since enforcement action is not possible after four years as defined in Paragraph 171B of the Town and Country Planning Act.

The buildings are therefore considered to be permanent and can be considered under this exception to inappropriate development in the Green Belt. The existing buildings currently on the site have a volume of approximately 3900 cubic metres, whereas the new dwellings will have a total volume of 3400 cubic metres. The redevelopment will therefore constitute a decrease in the volume of built form on the site.

It is acknowledged that the scaffold structures are of a construction which has less impact on the Green Belt than, for example a solid built structure such as a dwelling. Nonetheless the structures in question have existing use rights and are substantially higher than the dwellings proposed in this application. Within this context, and given that the overall volume of built form is lesser, it is concluded that this proposal falls under this exception to inappropriate development in the Green Belt.

The proposal is therefore compliant with policies GB2A and GB7A of the Adopted Local Plan and with DM4 of the Epping Forest Local Plan (Submission Version) 2017.

Living conditions of neighbours

The new dwellings relate well to each other and would offer a suitable level of habitable living space for new residents. The main dwelling at Greenview is orientated away from the proposed development whose residential curtilage angled away; as a consequence it is not considered that there would be any significant harm caused to the living conditions of occupiers.

There is an industrial site located directly to the south which is used as a haulage and transport yard. Whilst this will have some impact on the living conditions of future occupiers, it would not be excessively harmful. Indeed a planning condition can ensure that a suitable landscape scheme is implemented which will act as a meaningful screen to the adjacent site.

Character and appearance of the area

Local and National policy seeks new development to be of a high quality design and to be respectful to its surroundings. In this case the proposal would involve the removal of all existing buildings and structures on the site to be replaced with a small residential cul de sac. The existing buildings on the site lack architectural merit and are of a relative large scale which does not contribute positively to the area as a whole. The redevelopment will introduce a new feature into the street scene with the erection of a residential cul de sac, however it is concluded that this will

have a positive impact on area over the existing situation and thus the proposal is compliant with DBE1 and CP2 of the Adopted Local Plan and with DM9 (D) of the Epping Forest Local Plan (Submission Version) 2017.

Highway issues

The new dwellings have a suitable level of parking and would utilise the existing access onto Holyfield Road which has been used by the storage business for in excess of 10 years. The use of this access for nine dwellings raises no concerns in terms of the potential impact on the safety or efficiency of the public carriageway.

Tree and Landscape issues

The Tree and Landscape Team have no objection to the application subject to a condition regarding hard and soft landscaping and the retention of existing trees and shrubs on the site. These are both reasonable and necessary conditions to impose to ensure a high quality development.

Land Drainage

The Land Drainage Team consider that the proposal is acceptable in principle, however there is a need to impose conditions regarding further details of the Flood Risk Assessment and details of foul and surface water drainage. These are both reasonable and necessary conditions to impose.

Land Contamination

There is the potential for contaminants to be present on the site as a result of its former uses. Remediation of risk is possible to deal with by way of conditions and this is a reasonable and necessary measure to take.

Ecology

The Ecology Team consider that the proposal is acceptable in principle however there is a need to ensure that any protected species that may be on the site are safeguarded prior to the development being implemented.

Conclusion

The proposal is not inappropriate in the Green Belt, will be an improvement to the appearance of the site, will not harm the living conditions of any neighbours and satisfies all other policies of the development plan. It is therefore recommended that planning permission is granted.

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: James Rogers
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk