

AREA PLANS SUB-COMMITTEE 'WEST'

20 June 2018

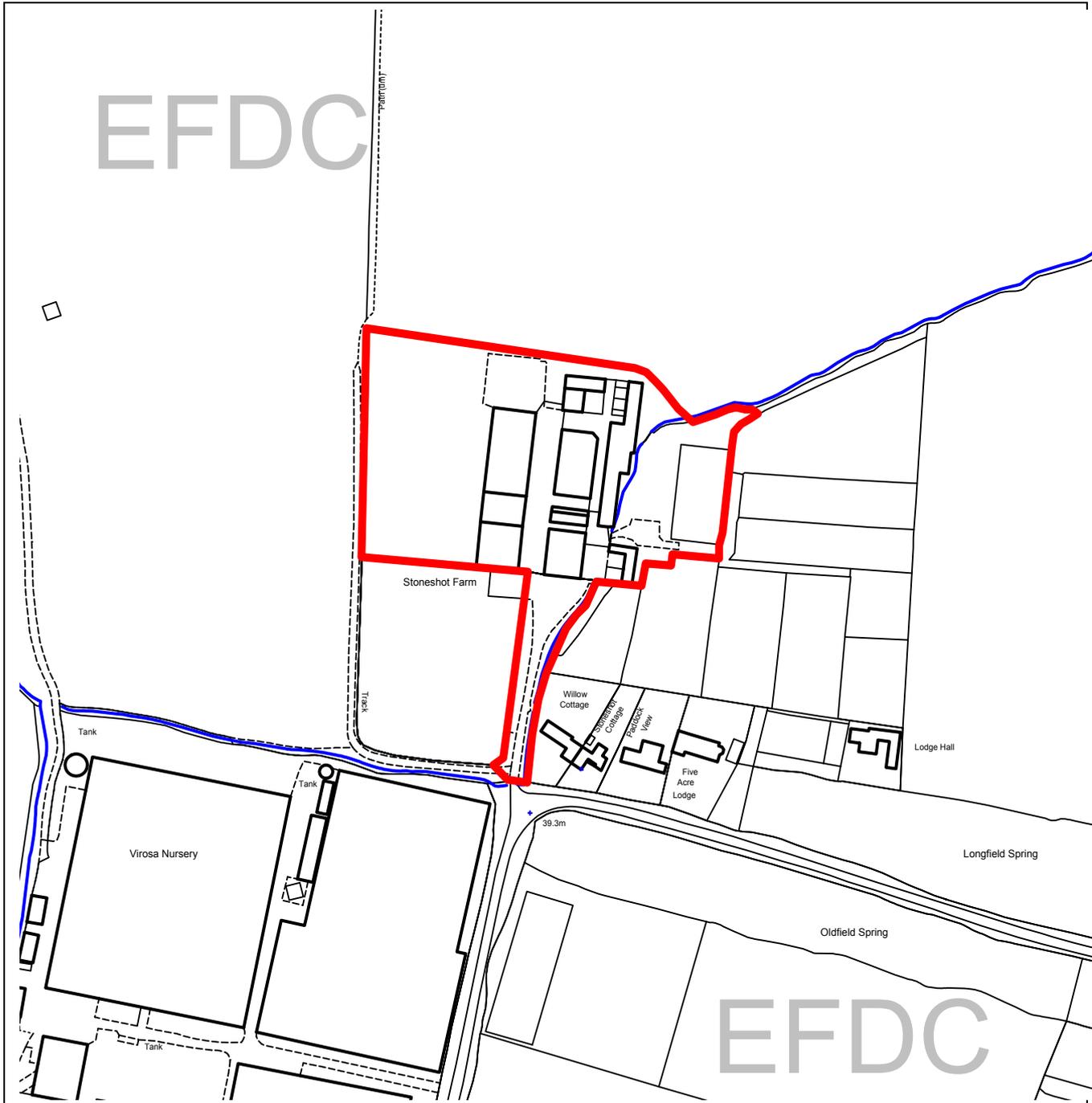
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/3500/17
Site Name:	Stoneshot Farm, Hoe Lane, Nazeing, EN9 2RW
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/3500/17
SITE ADDRESS:	Stoneshot Farm Hoe Lane Nazeing Essex EN9 2RW
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Haycross Ltd & Hog Construction Ltd
DESCRIPTION OF PROPOSAL:	Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no.'affordable houses' with associated off-street parking, private gardens and landscaping
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=603914

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: 10707-S001, 13184-P001-B, 13184-P002-A, 13184-P003-B, 13184-P004-B, TJK279.1, TJK279.2, Tree Protection PPlan dated 18th December 2017 Rev: 1
- 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 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.
- 5 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.

- 6 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 extensions or outbuildings generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 Prior to any lighting being installed along the road leading to the new development, a detailed lighting scheme following the Bat Conservation Trusts guidelines shall be submitted to and approved in writing by the Local Planning Authority. Any lighting thereafter installed shall be in accordance with the approved details.
- 8 Prior to any work being done to trees along the road leading to the new development, an updated bat survey of these trees shall be submitted to and approved in writing by the Local Planning Authority. Any further surveys, licenses or mitigation recommended by this survey shall also be undertaken and shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the trees.
- 9 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.
- 10 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

- 11 Prior to the first occupation of the development the access arrangements, 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.
- 12 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 tool. 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.
- 13 No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
1. A site investigation scheme, based on the Phase 1 Desktop Study Report (Herts & Essex Site Investigations, September 2013) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
- 14 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 15 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]

- 16 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]
- 17 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]
- 18 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.
- 19 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.

- 20 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.
- 21 An electric vehicle charging point shall be provided for each of the approved dwellings prior to first occupation
- 22 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.
- 23 Prior to first occupation of the dwellings hereby approved a biodiversity enhancement plan shall be submitted to and agreed in writing by the Local Planning Authority. This should include the recommendations in the Ecology Report dated December 2017 by Applied Ecology Ltd and includes bird and bat boxes.
- 24 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared/demolition is started and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority.

And the completion by the 1st August 2018 (unless otherwise agreed in writing) of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution of £179,442 towards primary and secondary school provision and to secure 50% affordable housing. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing.

This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3), 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: Scheme of Delegation, Appendix 3), and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Description of Site:

Stoneshot Farm is accessed off Hoe Lane, along a Willow lined drive, bounded by a drainage ditch. The Site is a former rabbit/poultry farm complex that has diversified into stables and livery facility and a number of B1 light industrial uses laid out in a linear fashion near to the site entrance. The wider site contains open paddocks, many of which are used for grazing in association with the livery use.

The site is located to the rear of Virosa Nursery and a small ribbon of detached properties adjacent to the access. The site is otherwise surrounded by agricultural fields and is in the designated Green Belt. Individual Preservation Orders have been placed upon trees that line the access into the site and a Public Right of Way passes through the application site, following the drainage ditch, which runs along the access then across the site in a north-east direction.

Hoe Lane begins in the settlement of Nazeing and extends into the countryside, quickly developing the character of a winding country lane without footpath, serving various agricultural and nursery sites, some of which have changed use over a number of years. This character is interspersed with small clusters of housing, often set back from the highway, in a linear ribbon form following the highway.

An extant planning consent exists for the redevelopment of the site for eighteen dwellings, consisting of 8 no. large detached open-market houses and 10 no. smaller affordable housing units.

Description of Proposal:

The proposed development seeks to clear the existing buildings and uses on site and erect 18 no. semi-detached open market dwellings and 18 no. semi-detached and terrace affordable houses.

The proposed dwellings would be served by a total of 77 parking spaces (as shown on the plans – although the submitted application form and Design and Access Statement states 72 would be provided). The dwellings would all benefit from private amenity areas and a new internal roadway would be laid to serve the entire estate. Additional landscaping is also proposed.

Relevant History:

EPF/0207/14 - Demolition of existing light industrial buildings and construction of 25 no. 2-bed, 6 no. 3-bed and 5 no. 4-bed houses (36 dwellings in total), with associated off street parking, private gardens, communal amenity space, children's play area and landscaping – refused 26/02/15
EPF/0259/16 - Demolition of existing industrial buildings, vacant stabling and 5 bedroom residential apartment and construction of 8 no. detached family houses and 10 no. 'affordable houses' with associated off-street parking, private gardens and landscaping (Revised application to EPF/0207/14) – approved/conditions (subject to legal agreement) 14/02/17

Policies Applied:

Epping Forest Local Plan (1998) and Alterations (2006):

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
CP6 – Achieving Sustainable Urban Development Patterns
CP7 – Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 – Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A – Housing Density
H4A – Dwelling Mix
H5A – Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
ST7 – Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate 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
H1 - Housing Mix and Accommodation Types
H2 - Affordable Housing
E1 - Employment Sites
T1 - Sustainable Transport Choices
DM 1 - Habitat Protection and Improving Biodiversity
DM3 - Landscape character, ancient landscapes and geodiversity
DM4 - Green Belt
DM5 - Green and Blue Infrastructure
DM9 - High quality design
DM10 - Housing Design and Quality
DM11 - Waste Recycling Facilities on New Development
DM 15 - Managing and Reducing Flood Risk
DM 16 - Sustainable Drainage Systems
DM18 - On Site Management of Waste Water and Water Supply
DM21 - Local Environmental Impacts, Pollution and Land Contamination
DM 22 - Air Quality

Consultation Carried Out and Summary of Representations Received:

109 neighbouring consultations have been sent and a Site Notice was displayed.

PARISH COUNCIL – Object to the application for the following reasons:

- i) It is over development on the site;
- ii) The site is unsustainable;
- iii) The proposed development would result in a substantial increase in traffic along Hoe Lane;
- iv) The site is not on the EFDC Submission Version of the Local Plan.

WILLOW COTTAGE, HOE LANE – **Object** as this is in an unsustainable location, is harmful to the Green Belt, is out of character with the locality, due to infrastructure concerns, as it is outside of Nazeing settlement area and contrary to the Local Plan, it is harmful to the conservation area, will cause road safety concerns, since the ecology report does not cover the entire site, and due to concerns about the submitted FRA and surface water implications.

15 PALMERS GROVE – **Support** the application as it would remove the industrial estate and reduce HGV movements in Hoe Lane.

PROSPECT HOUSE, HOE LANE – **Support** the application as it would remove the industrial estate and reduce HGV movements in Hoe Lane.

PADDOCK VIEW, HOE LANE – **Support** the application as it would remove the industrial estate and reduce HGV movements in Hoe Lane.

10 WHEELERS CLOSE – **Support** the application as it would remove the industrial estate and reduce HGV movements in Hoe Lane.

HALL LODGE, HOE LANE – **Support** the application as the proposed scheme would be a better use of land and more in keeping with its surroundings than the existing commercial site.

EAST COTTAGE, NAZEING PARK – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

PADDOCK VIEW, HOE LANE – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

STONESHOT VIEW, HOE LANE – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

NO 3 NUIRSERY, HOE LANE – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

6 KINGSMEAD, OLD NAZEING ROAD – **Support** as there is a need for more affordable homes in Nazeing and it is beneficial to remove the commercial site.

7 JOHN ELLIOT CLOSE – **Support** as this will reduce HGV movements on Hoe Lane.

34 PALMERS GROVE – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

THE ANNEX TO RIDGE HOUSE, HOE LANE – **Support** as this will provide much needed housing and will reduce HGV movements on Hoe Lane.

RIDGE HOUSE, HOE LANE – **Support** as this will provide much needed affordable housing to the area rather than more large houses.

42 BARNARD ACRES – **Support** as this will provide much needed housing and will remove a harmful commercial use.

STONEFIELD NURSERY, HOE LANE – **Object** as this is inappropriate development in the Green Belt, due to highway safety concerns, flooding concerns, and a lack of infrastructure.

WOODEND, HOE LANE – **Object** as there are already too many lorries and traffic on Hoe Lane.

DUNSLEY HOUSE, RIVERSIDE AVENUE – **Support** as this would remove an inappropriate industrial site and replace it with much needed housing.

27 HOE LANE – **Object** as this will be harmful to the Green Belt, as there are doubts about the viability of the commercial site, due to highway concerns, and since it is in an unsustainable location.

STONESHOT COTTAGE, HOE LANE – **Object** as the site is not suitable for this number of houses, since it would be out of character with the area, due to pedestrian safety concerns, flooding concerns, and due to inadequate infrastructure.

LONGYARD COTTAGE, BETTS LANE – **Object** as the infrastructure is unsuitable and due to the impact on the conservation area.

SOUTH COTTAGE, NAZEING PARK – **Object** due to the impact on the Green Belt and conservation area and due to highway safety and infrastructure concerns.

2 PROFITS HILL COTTAGE, BACK LANE – **Object** due to highway safety and infrastructure concerns.

WHITE COTTAGE, BACK LANE – **Object** due to highway safety and infrastructure concerns.

FIELDSTIDE, HOE LANE – **Object** due to highway safety and infrastructure concerns.

WHEELERS, MIDDLE STREET – **Object** due to highway safety and infrastructure concerns.

CLARADOR, BETTS LANE – **Object** due to due to highway safety concerns and because this is in an unsustainable location.

POND HOUSE, BACK LANE – **Object** due to highway safety concerns and since the appearance and nature of the area would be harmed.

1 BETTS LANE – **Object** due to the impact on the Green Belt and conservation area, highway safety concerns, as it is an unsuitable location, and due to inadequate infrastructure.

NORTHSIDE – **Object** due to inadequate infrastructure, highway safety, and impact on the conservation area.

CLEMATIS COTTAGE, BETTS LANE – **Object** due to highway and infrastructure concerns.

PARK COTTAGE, BACK LANE – **Object** due to highway safety concerns, damage to the countryside, and inadequate infrastructure.

GLEBE HOUSE, BETTS LANE – **Object** due to the impact on traffic and highway safety, the adverse impact on the countryside, and inadequate infrastructure.

TALLIS COTTAGE, 3 BETTS LANE – **Object** due to inadequate infrastructure, highway safety, damage to the local area and ecological concerns.

CRANBROOK, ST LEONARDS ROAD – **Object** due to the impact on the Green Belt.

Main Issues and Considerations:

A previous application for the redevelopment of the site for 36 dwellings was refused consent for the following reasons:

- 1. The site is considered to be unsustainable in respect of proximity to shops, services and facilities. The new dwelling houses are not readily accessible by sustainable means of transport or provide safe and convenient access to pedestrian and cyclists. Future residents of the dwellings would therefore be heavily dependent on the use of private cars which is contrary to local policies CP1, CP3, ST1, ST2 and ST3 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 2. The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.*
- 3. The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposed dwelling houses are materially greater in size and scale than*

that of the buildings that they are proposed to replace particularly in relation to their bulk, massing and height and the developed area extends on to currently undeveloped open land. The proposal would therefore result in undue intensification of built development at the site that would unduly diminish the rural character and the openness of the Green Belt and thus not accord with the aims and objectives of including land within the Green Belt. No adequate very special circumstances have been demonstrated by the applicant to outweigh the significant harm of the development to the Green Belt. The proposal is contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

- 4. The proposal fails to provide on-site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the Adopted Local Plan and Alterations and Para 50 of the NPPF.*
- 5. The proposed development is of a design, scale, layout and form that is out of character with the local area and detracts from local distinctiveness contrary to policies CP2, CP3, DBE1, DBE4 and DBE5 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 6. The proposed development has failed to adequately demonstrate sufficient retention of landscaping particularly protected trees along the site access due to conflicting supporting documentation supplied. The development is therefore contrary to policy LL10 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 7. The proposed development would result in significant adverse impact when viewed from the surrounding countryside to the detriment of the character of the rural landscape and contrary to the aims and objectives of policy LL2 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.*
- 8. The applicant has failed to make adequate provision for the retention of the existing public right of way through the site to the detriment of local amenities, contrary to CP2, RST2 and RST3 of the Adopted Local Plans and Alterations and the National Planning Policy Framework.*

Following this refusal an amended scheme to redevelop the site for 18 dwellings was submitted, which overcame the above reasons for refusal and was granted planning consent.

This latest proposal reverts back to a scheme for 36 houses, albeit one that differs from that previously refused consent. Nonetheless the key considerations are on whether this latest scheme continues to overcome the reasons for refusal quoted above.

Green Belt:

The application site is a lawful stables and commercial site that has been in use for a number of years. The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, including:

- *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 definition of previously developed land is provided within Annex 2 of the Framework and reads:

Previously developed land: 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, recreational 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.

It has already been accepted that, given the lawful use of the site for equestrian and commercial purposes, the application site would constitute previously developed (brownfield) land that could be redeveloped for housing. However in order for this to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The potential impact on the Green Belt covers many factors, including increased activity and type of use. However one of the key considerations is the impact on openness, which is largely reliant on the level of built development on a site. The existing site currently contains a number of commercial buildings that have a total footprint of 3483m² and range in heights from 2.5m to 8.6m. The majority of the application site not covered by buildings is laid to hardstanding (west of the drainage ditch) or by a large manege (east of the drainage ditch).

The footprint of the 18 dwellings previously approved in 2017 totalled some 1942m² with all the dwellings being two storeys in height. Whilst the new dwellings replaced predominantly low single storey structures the previously approved scheme resulted in an approximate 44% reduction in the level of building cover on the existing site and had an overall volume no greater than the overall volume of buildings currently on site.

This further application has increased the number of units from 18 to 36, however the open market house sizes have been reduced. As such the footprint of the proposed houses equates to 2127m², which is only marginally greater than the previously approved scheme and still results in a 38% decrease in building cover across the site. The dwellings would continue to be two storeys in height and the overall volume of the proposed redevelopment would be similar to that previously approved.

Further to the above physical impact, matters such as vehicle movements (type and number), level of activity, type of use, and any resultant nuisance (such as noise, pollution, etc.) would also be factors that determine whether the redevelopment of this site would have a greater impact on the Green Belt than the existing use. All of these factors would likely be reduced as a result of the proposed redevelopment, particularly the reduction of commercial and HGV vehicle movements. As such this proposal would continue to meet the above exception to inappropriate development within the Green Belt and would therefore be considered acceptable in Green Belt terms.

Sustainability:

It is a requirement of paragraph 14 of the NPPF and Local Plan policies CP1 and CP2 that proposed development is sustainable. By definition this means that a development must meet all three aspects of sustainable development, these being environmental, economic and social.

The proposals would provide 36 dwellings, 18 of which would be affordable houses, which would assist in the Council achieving its five-year land supply and would provide greater choice of accommodation to residents of the area. Furthermore there would be a benefit arising in the short

term from the construction of the development and future occupiers would support the local economy in the longer term, which would meet the economic dimension. Lastly the new dwellings would be constructed in accordance to the current Building Regulations, which requires sustainable construction and energy efficiency, and would allow for additional planting on the site. These factors of the development accord with the principles of sustainable development.

The loss of existing employment uses and associated jobs on site would not be economically sustainable however a Commercial Viability Report undertaken by Withers Thomas has been submitted which concludes "*the most suitable use for the site going forward and most economic, in our opinion, would be to develop the site into residential dwellings, as per the mentioned scheme. This would improve the environment and benefit local residents by the reduction in traffic and inappropriate industrial use within the Green Belt and remove the unsightly buildings from the landscape*". Whilst this report is lacking somewhat in terms of evidence the site has an existing extant planning consent for redevelopment for residential purposes and therefore it is considered that, in this instance, the proposal accords with policy E1 of the Epping Forest District Local Plan (Submission Version) 2017 (SVLP).

The SVLP sets out a number of requirements to ensure that development is environmentally sustainable through the incorporation of electric car charging points, low water use, and net biodiversity gain, which can be imposed by way of appropriately worded conditions. Such measures were not in place at the time of the previously approved scheme and therefore the extant consent is not bound to such measures. However this latest proposal would be subject to these requirements, which would improve the overall sustainability of the site.

Whilst the National Planning Policy Framework and Local Plan promotes sustainable forms of development and encourages new development (particularly housing development) to areas with good public transport links several appeal decisions clarify that sustainability alone is not a matter that would usually justify the refusal of planning permission for additional housing within an authority boundary that cannot demonstrate a five-year supply of land for housing.

The Council is currently in the process of preparing a new Local Plan, where sites will be identified for residential development, however at present it cannot *demonstrate* a five year supply of housing sites as required by the NPPF. It is accepted that the lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. It is also recognised that recent appeal decisions have made it clear that policies for the supply of housing should not be considered 'up-to-date' if the LPA cannot demonstrate a five-year supply of deliverable housing sites. Therefore the unsustainable location of the development in itself would not be sufficient to refuse consent of the scheme.

Housing need and affordable housing:

In respect of affordable housing, the application proposes a 50% provision of affordable housing, which is higher than the 40% required by policy H2 of the submission SVLP. As such the proposal goes over and above the policy requirements regarding affordable housing provision, which weighs in favour of the development.

In addition to the level of affordable housing, the layout and type of housing proposed is a far better scheme than that previously approved since it is more integrated and reflective of the open market housing, unlike the previous approval.

Design:

The previously approved scheme proposed eight very large detached houses for open-market provision with two terraces of considerably smaller, affordable houses. The difference in size and type of the open-market to affordable housing previously approved, along with the previous layout

of the development, would have resulted in a very segregated development with no integration between the social and open-market housing.

This revised proposal has replaced the large detached open-market houses with semi-detached properties and the small terrace of affordable housing with a mix of semi-detached and terraced affordable houses that better reflect and integrate with the open-market housing in line with local guidance.

The dwellings would be pastiche, traditional style properties in an Essex style utilising local vernacular and traditional fenestration details. Whilst the development would be fairly car dominated this is similar to the previously approved scheme and, given the additional landscaping opportunities in and around the site, this would not be considered harmful to the wider landscape.

One of the concerns regarding the previous scheme for 36 houses was the urbanised appearance of the estate. In order to overcome this, the dwellings on this latest proposal have followed a more fluid layout and are better spaced than the previously refused scheme to ensure that it retains a more 'suburban' character than the previously refused scheme.

Neighbouring Amenity:

The proposed new dwellings would be separated by a significant distance from neighbouring properties. This degree of separation results in sufficient distance to offset policy requirements in respect of overlooking, overshadowing or loss of privacy.

Whilst direct impacts are mitigated to neighbouring properties by the degree of separation, the proposals would undeniably alter the view from the existing properties. However planning policy offers no protection of a view and therefore this is not a material consideration in this application.

Landscaping:

The applicant has provided tree information relating to the application that demonstrates that the trees subject to a preservation order can be retained. Nonetheless the Council's landscaping Officer still raises concerns regarding the impact of the development on the rural landscape, as they did with the previously approved scheme.

The existing site largely consists of commercial buildings and areas of hardstanding with little landscaping (with the exception of the TPO trees along the access road). The existing buildings, whilst predominantly low and single storey in nature, are of no architectural merit and do not enhance the overall appearance of this area.

The proposed new development, whilst residential in nature and higher than many of the existing buildings, would incorporate a significant level of additional tree planting, including planting around the site boundaries. The provision of this housing scheme is not considered to have any significantly greater impact on the appearance of the area than the existing commercial site or the previously approved 18 house scheme, which resulted in only a marginally smaller footprint of built development. Furthermore, the provision of additional landscaping would help to soften and screen the proposal.

Therefore, subject to conditions, the development is not considered to be harmful to the existing landscaping on site or the overall rural character of the area.

Ecology:

Additional information was sought during the application with regards to habitat protection and, subject to the imposition of conditions, there are no objections in respect of ecology.

Land Drainage:

The Council's land drainage team have no objection to the proposals subject to conditions requiring a Flood Risk Assessment for Surface Water and a condition for details of Foul water disposal. Conditions regarding contamination, foul water drainage, surface water infiltration and surface water drainage systems are also required, as previously suggested by the Environment Agency.

Highways (access and parking):

The Highway Authority has raised no objection to the proposed development. Whilst local concerns regarding the access are noted Essex County Council has concluded that, despite the increase in the number of houses, the proposal will still "*reduce vehicle movements to the site especially with regard to HGV movements along Hoe Lane*".

The proposed plans show 77 off-street parking spaces to be provided, although the submitted documentation only refers to the provision of 72 spaces. The 72 spaces would provide 2 spaces for each dwellinghouse, and the 77 would provide an addition 5 spaces for visitor use (although seven of the spaces are marked up on the site plan with a V). In addition to the dedicated spaces there would be some kerbside parking available within the estate to cater for overspill parking requirements. This is considered to be sufficient to serve all future residents of the site.

Air quality:

In order to address SVLP policy DM22 an Air Quality Assessment was requested and submitted, which was assessed by Environmental Health and no objection was raised to this. It was however highlighted by the Environmental Health Officer that each residential unit will need to provide suitable provision to charge electric vehicles, which can be sought by way of a condition.

Other Matters:

Contaminated Land:

The application has been submitted with a Site Investigations' Phase 1 report dated September 2013 which has identified the potential for contaminants to be present from farming, stabling and industrial uses and has recommended that further investigation is required. The Phase 1 report will require revising in order that the Site Walkover can be updated and revised development details included. As such full contamination conditions are required.

Education:

Essex County Council have assessed the proposal and determined that there are insufficient Early Years and Childcare places to meet the demand and also ensure a diverse range of provision so that different needs can be met, and the development would add to the existing need for additional primary school accommodation. In order to mitigate against this harm Essex County Council are requesting a developer contribution of £45,735 for EY&C provision and £133,707 for local primary school provision, index linked to April 2017.

Conflict with SVLP:

Concerns have been raised that the application site has not been allocated within the SVLP and therefore this proposal would undermine the emerging Local Plan. The reason the site was not included as an allocation site is because of the extant planning consent for housing and therefore this site would be considered as a 'commitment' rather than an opportunity for housing allocation.

Any increase over and above the previously approved 18 dwellings would be viewed as a windfall and would assist in the provision of the five year housing land supply, which would be viewed as a benefit and is not considered to undermine the SVLP.

Impact on conservation area:

Concern has been raised by neighbouring residents with regards to the impact on the conservation area. The application site is situated outside of the conservation area and whilst this designation covers the fields opposite the entrance the proposed development would not be immediately adjacent to the conservation area nor would it have any direct physical impact.

The conservation area covers parts of Hoe Lane in both directions, and as such any vehicle movements to and from the site would pass through the designated conservation area, overall the proposal would reduce vehicle movements to the site, in particular with regards to HGV movements. Therefore the redevelopment of the site would reduce the level of heavy commercial vehicles from driving through the conservation area, which would be beneficial to the overall character and historic interest of this designation.

Conclusion:

In light of the above it is considered that whilst this latest development has increased the number of dwellings back up to 36, which was previously refused planning consent, the scale, layout and overall design of the development, along with all other material planning considerations at the current time, are sufficient enough to overcome the previous reasons for refusal.

Due to the above it is not considered that the proposed redevelopment of the site for 36 houses would result in any additional harm over and above the previously approved, and still extant, permission for 18 houses and the benefits in terms of housing provision (including an overprovision of affordable housing) and the design and layout of the development (in particular the integration and reflective mix of open market and affordable houses) would be an improvement over the previously approved scheme. As such the development would continue to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and therefore the application is recommended for approval, subject to a S106 legal agreement and relevant 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

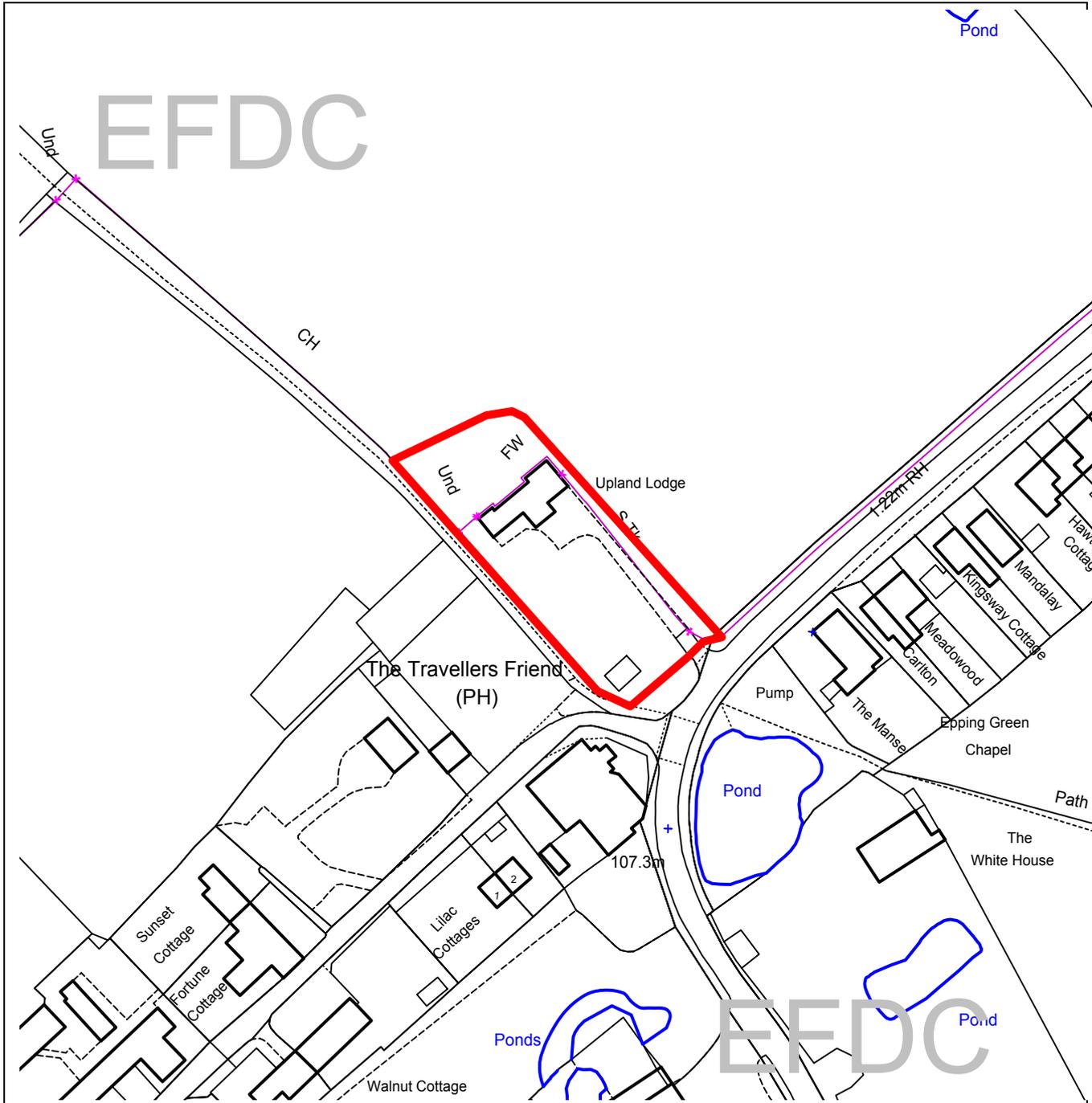
or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/0804/18
Site Name:	Upland Lodge, Epping Road, Epping Upland, CM16 6PX
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0804/18
SITE ADDRESS:	Upland Lodge Epping Road Epping Upland Epping Essex CM16 6PX
PARISH:	Epping Upland Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Abe Cohen
DESCRIPTION OF PROPOSAL:	Double storey rear extension, single storey rear extension to replace existing conservatory, roof lights and single storey extension to front. 2m high fencing and 2m high electric entrance gates to front boundary and alterations to fenestration.
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=607282

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 Materials to be used for the external finishes of the proposed development shall match those of the existing building and/or those described in section 11 of the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Within 3 months of the date of this permission, the existing fencing shown to be removed on approved drawing 038-08 REV G shall be removed unless approved in writing by the Local Planning Authority.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))

Description of Site:

Two storey detached dwelling located on northeast side of Epping Road, in a built up settlement within the parish of Epping Upland. The dwelling is set approximately 40m back from the road and is largely screened by existing hedging and conifers to front and side boundaries. The site benefits from an existing vehicle access with brick wall and gates in situ.

Description of Proposal:

Planning permission is sought for a double storey rear extension, single storey rear extension to replace existing conservatory, roof lights and single storey extension to front. 2m high fencing and 2m high electric entrance gates to front boundary and alterations to fenestration.

A proposal for a double storey rear extension, 2m high fencing and 2m high electric entrance gates to front boundary and alterations to fenestration was approved by the Council on 15/12/2018.

The differences between this application and the previously approved are:

- Conservatory is being replaced with a single storey extension. The internal floor area of the conservatory is 17.9sqm. The internal floor area of the replacement extension is 17.1sqm.
- A small front extension of approximately 2sqm
- Rooflights are being added to the existing front gable and the existing front dormer. This can be done under permitted development.

Relevant History:

EPF/2400/17 - Double storey rear extension, 2m high fencing and 2m high electric entrance gates to front boundary and alterations to fenestration - Approved

EPF/0785/98 - Erection of rear conservatory and replacement greenhouse - Approved

EPF/0926/87 - Double garage - Approved

EPF/0562/86 - Residential extension to accommodate elderly parent of applicant, with bedrooms and bathroom above - Approved

Policies Applied:

National Planning Policy Framework 2012

Local Plan (1998) and Alterations (2006)

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE9 – Loss of amenity

DBE10 – Residential Extensions

ST4 – Road safety

ST6 – Vehicle parking

LL10 – Adequacy of provision for landscape retention

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development

SP5 – Green Belt and district open land

T1 – Sustainable transport choices

DM10 – Housing design and quality

Summary of Representations:

TOWN COUNCIL – Objection –

1. Extension is so excessive and has an effect on visual amenity of the Green Belt, can be seen from Nazeing Common
2. Footpath would still be obstructed and is not appropriate for disabled access
3. Gates at 2m are inappropriate and are over the height of the regulations
4. If the application were to be granted would request a condition that opening up the hedge should be made prior to the installation of the locked gates as the footpath should be accessible at all times

6 neighbours consulted and site notice displayed – No responses received.

Issues and Considerations:

The main considerations in relation to the proposal are the impact on the Green Belt, the overall design and impact on the surrounding area, living conditions considerations, landscaping issues and highway safety/access.

Green Belt

Policy GB2A states that planning permission will not be granted for the use of land or the construction of new buildings in the Green Belt unless it is for the purposes of agriculture, horticulture, outdoor participatory sport and other uses that will preserve the openness of the Green Belt or conflict with the purposes of including land within the Green Belt.

Furthermore in line with paragraph 89 of the Framework, Policy GB2A states that an extension will not be granted approval in the green belt unless it is a limited extension.

The two storey rear extension, fencing, walls and gates have already been approved by the Council in December 2017 so this permission is extant.

The small front extension is so minor that the impact on the green belt is negligible.

The replacement extension to the rear is smaller in terms of floor area than the existing conservatory but would have a bulkier appearance due to it being largely rendered and not glass. However, the difference in size between the two is not considered to be materially different and a similar sized extension could be added under a Prior Notification application where extensions to a

depth of 8m can be added to detached dwellings the only stipulation being that neighbours would have to be consulted to consider impact on living conditions. There are no immediate neighbours so it would be highly unlikely that an application would be refused on these grounds.

The rooflights can be added without the need for planning permission subject to them not protruding more than 150mm from the roof slope.

Character and Appearance

It is considered that the extensions would not materially detract from the character and appearance of the area. The front extension is modest. The single storey extension would be located to the rear of the property and only oblique public views through the roadside hedging would be had of the extension from the road to the northeast of the site. A public right of way currently goes through the site and the extension would be also seen from that. However in conjunction with the approved extension it is not considered to be of a size that would appear at odds with the size of the existing dwellings and it would not appear conspicuous when viewed from the surrounding area.

Living Conditions

There would be no excessive harm caused by any elements of the proposal due to the distance between the application dwelling and neighbouring properties.

Trees/Landscaping

All the existing hedging on the site is to remain as previously approved.

Highways

The highways issues remain the same as the previously approved application and no objections have been received from the Highways Engineer.

To refresh Members memories, a section of existing fencing erected along the southwestern boundary appears to conflict with an existing public right of way. This section of fencing requires planning permission as it is considered to be adjacent to a highway but on the site plan submitted it is indicated to be removed from the proposal. For the avoidance of doubt, a proposed length of fencing has also been removed from the proposal which would have joined the proposed front fence with the existing side fence. This ensures that the public right of way remains accessible and overcomes the Parish Council objection.

The Parish Council have also objected to the gate that has been erected within the grounds of the property adjacent to the dwelling which too blocks the footpath. From the site visit it appears that this gate is below 2m in height and can be erected without the need for planning permission. Therefore whilst it may block the right of way it does not form part of this application and cannot be considered. The issue would have to be considered by the Rights of Way Team at Essex Highways.

Third party representations

Objections 1 and 3 raised by the Parish Council have been addressed in the previous application and in the main body of the report above.

Objection number 2 refers to a footpath being obstructed. The plans indicate that a section of fencing is to be removed to retain this public right of way. This is enforceable by the Definitive Rights of Way Team at Essex Highways and an informative can be added informing the applicant to contact them in order to address this issue.

Objection number 4 requests a condition that requires the hedging to be opened up prior to the installation of the locked gates as the footpath should be accessible at all times. A condition was attached previously and can be again requesting the fence be removed within 3 months of this permission.

Conclusion:

The proposal is considered to be limited which would not materially detract from the openness of the green belt in this location. Its design would be in keeping with the host dwelling and not appear at odds with the prevailing pattern of development in the area. There would be no material harm to neighbours living conditions nor the existing landscaping and would be in line with highway policy. Therefore the proposal is considered to comply with both the NPPF and Local Plan policy and 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: Mr Steve Andrews
Direct Line Telephone Number: (01992) 564337***

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