

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE WEST** **Wednesday, 12th April, 2023**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held at:

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday, 12th April, 2023**  
at **7.00 pm.**

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

A Hendry, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Heather (Chairman), D Stocker (Vice-Chairman), N Avey, R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, J Parsons, R Pugsley, M Sartin and S Yerrell

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.**

**If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564542.**

**1. WEBCASTING INTRODUCTION**

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on Zoom do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

**Members are reminded to activate their microphones before speaking”.**

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

To be announced at the meeting.

To report non-attendance before the meeting, please use the Members Portal webpage [https://eppingforestdc-self.achieveservice.com/service/Member\\_Contact](https://eppingforestdc-self.achieveservice.com/service/Member_Contact) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the Council’s website, at the bottom under ‘Contact Us’  
<https://www.eppingforestdc.gov.uk/your-council/members-portal/>

**4. DECLARATIONS OF INTEREST**

To declare interests in any item on this agenda.

**5. MINUTES (Pages 9 - 18)**

To confirm the minutes of the last meeting of the Sub-Committee held on 8 February 2023.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

**7. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

This briefing note, dated October 2021, has been produced by the Planning Policy team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

**8. SITE VISITS**

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

**9. PLANNING APPLICATION - EPF/3282/21 38 HONEY LANE, WALTHAM ABBEY EN9 3BS (Pages 19 - 32)**

To consider the attached report on the demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings.

**10. PLANNING APPLICATION - EPF/2587/22 SEDGE GATE NURSERY, SEDGE GREEN, NAZEING, WALTHAM ABBEY EN9 2PA (Pages 33 - 44)**

To consider the attached report on the erection of 10 Warehouse Units for B1 and B8 use (revised application EPF/1334/22).

**11. EXCLUSION OF PUBLIC AND PRESS**

**Exclusion:** To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24

hours prior to the meeting.

**Background Papers:** Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees**

### **Are the meetings open to the public?**

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

### **When and where is the meeting?**

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

### **Can I speak?**

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via Zoom or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

### **Who can speak?**

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

### **What can I say?**

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices, or will be admitted to the meeting virtually via Zoom. Speakers must NOT forward the Zoom invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **Can I give the Councillors more information about my application or my objection?**

**Yes, you can but it must not be presented at the meeting.** If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk/> Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

## **How are the applications considered?**

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.















An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
  - (i) the Council's approved policy framework; or
  - (ii) the development or other approved plan for the area; or
  - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

## **Further Information**

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2022-23  
 Members of the Committee and Wards Represented:

				
<b>Chairman</b>	<b>Vice Chairman</b>			
Cllr Heather	Cllr Stocker	Cllr Avey	Cllr Bassett	Cllr Pugsley
Waltham Abbey Honey Lane	Waltham Abbey Honey Lane	Broadley Common, Epping Upland and Nazeing	Lower Nazeing	Lower Nazeing
				
Cllr Sartin	Cllr Matthews	Cllr S Kane	Cllr Lea	Cllr Lucas
Roydon	Waltham Abbey High Beach	Waltham Abbey Honey Lane	Waltham Abbey North East	Waltham Abbey North East
				
Cllr Leppert	Cllr Yerrell	Cllr H Kane	Cllr Parsons	
Waltham Abbey Paternoster	Waltham Abbey Paternoster	Waltham Abbey South West	Waltham Abbey South West	

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## EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

<b>Committee:</b>	Area Planning Sub-Committee West	<b>Date:</b>	Wednesday, 8 February 2023
<b>Place:</b>	Council Chamber, Civic Offices, High Street, Epping	<b>Time:</b>	7.00 - 8.14 pm
<b>Members Present:</b>	Councillors S Heather (Chairman), D Stocker (Vice-Chairman), R Bassett, H Kane, S Kane, J Lea, J Leppert, J Lucas, T Matthews, J Parsons and M Sartin		
<b>Apologies:</b>	N Avey and S Yerrell		
<b>Officers Present:</b>	A Marx (Development Manager Service Manager (Planning)), A Buckley (Higher Level Apprentice (Internal Communications)) and R Perrin (Democratic and Electoral Services Officer)		
<b>Officers Present (Virtually):</b>	S Dhadwar (Senior Planning Officer), J Leither (Democratic Services Officer) and M Rahman (Planning Officer)		

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### 48. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 49. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

### 50. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

### 51. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 11 January 2023 be taken as read and signed by the Chairman as a correct record.

### 52. ANY OTHER BUSINESS

It was reported that there was no urgent business for consideration at the meeting.

### 53. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

**54. SITE VISITS**

There were no formal site visits requested by the Sub-Committee.

**55. DECISIONS**

Details of all decisions made at the meeting are shown the appendix to the minutes.

**56. PLANNING APPLICATION - EPF/2072/22 LEABANK MEADGATE AND HILSIDE NURSERIES, SEDGE GREEN, ROYDON, HARLOW CM19 5JS**

**Deferred** – Further information to be provided.

**57. PLANNING APPLICATION - EPF/2417/22 67 PALMERS GROVE, NAZEING, WALTHAM ABBEY EN9 2QE**

**Decision: Approved** with conditions and subject to S106 Legal Agreement

**58. PLANNING APPLICATION - EPF/2628/22 LAND AT WINSTON FARM, HOE LANE, NAZEING, WALTHAM ABBEY EN9 2RJ**

**Decisions: Approved** with conditions.

**CHAIRMAN**

**Application Ref:** EPF/2072/22  
**Application Type:** Change of use  
**Case Officer:** Muhammad Rahman  
**Site Address:** Leabank Meadgate And Hilside Nurseries, Sedge Green, Roydon, Harlow, CM19 5JS  
**Proposal:** Change of use of the site from horticulture to a site for storage purposes (Use Class B8).  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Onm9>  
**Decision:** Deferred

**Deferred** – Further information to be provided.

**Application Ref:** EPF/2417/22  
**Application Type:** Full planning permission  
**Case Officer:** Kie Farrell  
**Site Address:** 67, Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE  
**Proposal:** Construction of new dwelling with associated car parking  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UQMZ>  
**Decision :** Approved with conditions and subject to S106 Legal Agreement

### Conditions(8)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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:  
Drawing L-30 Rev A - Proposed Site Development Plan, Site Location and Block Plans  
Drawing L-21 - Existing Ground and First Floor General Arrangement Plans & Elevations  
Drawing L-32 Rev A - Proposed General Arrangement Plan, Elevations and Site Cross Section  
Supporting Planning Statement, AATP, 2021  
Ecological Assessment, AATP  
Habitat Regulations Assessment, AATP  
Supplementary Planning Statement, 2023, received 12.01.2023  
Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).

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

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies DBE1 and DBE4 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations

1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that 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 policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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, policy ST4 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017.

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on

the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 8 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 development generally permitted by virtue of Class A, B, D, E, F of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

#### UNILATERAL UNDERTAKING

Required in order to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

#### INFORMATIVES (1)

- 9 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

**Application Ref:** EPF/2628/22  
**Application Type:** Householder planning permission  
**Case Officer:** Sukhvinder Dhadwar  
**Site Address:** Land at Winston Farm, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ  
**Proposal:** Demolition of Existing Bridge and Erection of New Access bridge.  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uhqa>  
**Decision:** Approve with conditions

**Conditions: (8)**

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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:

1512\_330; 1512\_331; 1512\_332; 1512\_333.

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

3. Prior to the commencement of any works a Preliminary Ecological Assessment must be submitted to the Local Planning Authority. Should the assessment reveal the likely presence of any European Protected Species. Or their breeding sites or resting places, then protected species surveys need to be carried out. These surveys should also be submitted to the Local Planning Authority. Should the protected species reveal the presence of protected species, or their breeding sites or resting places on the site, then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Local Planning Authority. In some cases a European Protected Species Licence may be required from Natural England. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC3 and NC4 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan.

4. Prior to the installation of any external lighting, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places along important routes used to access key areas of their territory for example, for foraging; and
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contours plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to conserve protected species or their breeding sites, or resting places in accordance with chapter 15 of the NPPF and policies NC4 and NC5 of the Epping Forest District Local Plan and Alterations and DM 1 of the Submission Version Local Plan

5. Tree protection shall be installed as shown on Ligna Consultancy Tree Protection Plan, drawing No: P1935-TTP01 v1 dated 16/10/2021, prior to the commencement of development activities (including any demolition).  
The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

6. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

7. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.



8. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety in accordance with Policy ST4 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives:(2)**

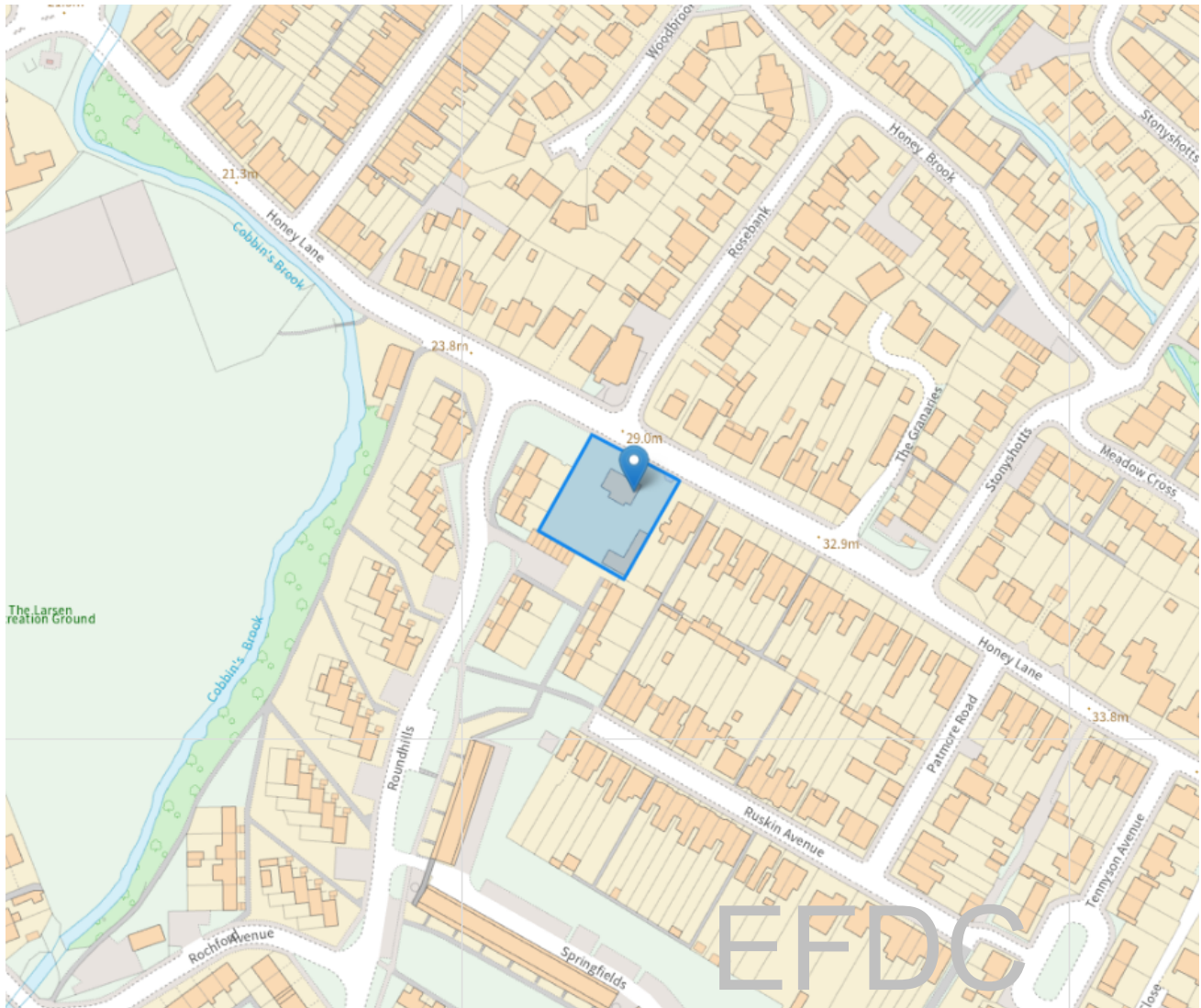
9. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
10. You are advised that as works are proposed 'on or near' a Environment Agency designated main river, you will be required to follow the environmental permitting rules regulated under 'environmental permits', see below link for further information:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

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# Epping Forest District Council

# EFDC



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Application Number:	EPF/3282/21
Site Name:	38 Honey Lane Waltham Abbey EN9 3BS

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# OFFICER REPORT

**Application Ref:** EPF/3282/21  
**Application Type:** Full planning permission  
**Applicant:** Mr R Patel  
**Case Officer:** Alastair Prince  
**Site Address:** 38 Honey Lane  
Waltham Abbey  
EN9 3BS

**Proposal:** Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings.

**Ward:** Waltham Abbey Honey Lane  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000Nxgr>  
**Recommendation:** Approved with Conditions (Subject to s106 Legal Agreement)

*This application is before this Committee since it is an application for residential development consisting of 10 dwellings or more (other than an application for approval of reserved matters) and is recommended for approval (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

## **S106 HEADS OF TERMS:**

- East of England Ambulance Service NHS Trust Contribution of £3,402
- Air quality mitigation contribution of £4,355
- Recreational mitigation contribution of £24,084.19
- 5% monitoring contribution
- Late stage review mechanism relating to scheme viability and affordable housing contribution

## **Description of Site:**

The application site consists of a detached two-storey dwelling with a detached annexe that benefits from a fairly large plot and is situated on the southern side of Honey Lane close to the junction with Roundhills. To the north and east of the site are detached and semi-detached properties fronting Honey Lane. To the west is the entrance to the Roundhills estate and dwellings fronting onto this. To the south is a garage area with houses and flats beyond.

The site is located within the urban area of Waltham Abbey and is subject to a blanket Tree Preservation Order. The site slopes downwards from east to west and the existing dwelling is situated on significantly elevated land.

## **Description of Proposal**

Consent is being sought for the demolition of the existing dwelling and annexe building and the erection of two new residential apartment blocks containing 14 dwellings. This would consist of 3 one-bed units and 11 two-bed units across four floors.

The development would be served by a new vehicular access central within the site that would pass through the building and leads to a parking area that contains twelve parking spaces (including two

disabled spaces). A further two parking spaces would be located at the front of the site and accessed directly from Honey Lane.

Communal amenity space would be provided to the rear of the site and all but one of the proposed flats would have access to a small patio or balcony.

### **Relevant History:**

EPF/0703/91 - Two storey side extension and conversion to residential units for retired persons – refused 13/12/91

EPF/1088/92 - Single storey side extension (swimming pool, changing area, w.c., sauna, pump room and gymnasium, exercise area) – approved/conditions 29/04/93

EPF/0530/18 - Demolition of existing dwelling and detached residential annex. Removal of existing vehicular access. Construction of new residential apartment block containing 14 dwellings. (16/11/2018) – Refuse Permission

EPF/0140/19 - Demolition of existing dwelling and detached residential annexe. Removal of existing vehicular access and construction of a new residential apartment block containing 14 dwellings (revision to EPF/0530/18). – Refuse Permission (Dismissed on Appeal):

1) The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017

2) The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. In the absence of such evidence, and of a completed Section 106 planning obligation to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of air pollution, the proposed development is contrary to policies CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017, the NPPF, and the requirements of the Habitats Regulations 2017.

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP5 – Sustainable building  
CP6 – Achieving sustainable urban development patterns  
CP8 – Sustainable economic development  
CP9 – Sustainable transport  
H2A – Previously developed land  
H3A – Housing density  
H5A – Provision for affordable housing  
H6A – Site thresholds for affordable housing  
H7A – Levels of affordable housing  
DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL10 – Provision for landscape retention  
LL11 – Landscaping schemes  
ST4 – Road safety  
ST6 – Vehicle parking  
U2B – Flood risk assessment zones  
U3A – Catchment effects  
RP3 – Water quality  
RP4 – Contaminated land

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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 Adopted Local Plan 2011-2033 (2023)*

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council. (Please refer to Appendix 1 for The Inspector's Final Report).

The relevant policies are listed below:

SP1 - Spatial Development Strategy 2011-2033  
SP2 - Place Shaping  
H1 - Housing Mix and Accommodation Types  
H2 - Affordable housing  
T1 - Sustainable Transport Choices  
D1 - Delivery of Infrastructure  
DM1 - Habitat Protection and Improving Biodiversity  
DM2 - Epping Forest SAC and the Lee Valley SPA  
DM3 - Landscape Character, Ancient Landscapes and Geodiversity  
DM9 - High Quality Design  
DM10 - Housing Design and Quality  
DM11 - Waste Recycling Facilities on New Development  
DM15 - Managing and reducing flood risk  
DM18 - On Site Management of Waste Water and Water Supply  
DM19 - Sustainable Water Use  
DM21 - Local Environmental Impacts, Pollution and Land Contamination  
DM22 - Air Quality

**Summary of Representations:**

39 neighbouring properties were consulted and a Site Notice was displayed.

6 objections received:

39 HONEY LANE – Object due to overdevelopment of the site, parking issues

41 HONEY LANE – Object as this would be out of character with the area, insufficient parking, and impact on utilities.

47 HONEY LANE – OBJECTION: development would not be out of keeping with the character of the area, excessive degree of bulk and massing, overdevelopment of the site, highway concerns

64 HONEY LANE – Object as the development is out of keeping with the character of the area and would negatively impact the EFSAC.

162 HONEY LANE – Object to the loss of the existing Edwardian house and since the proposed flats are out of character. The development would be a hazard to road users. Detrimental impact on the EFSAC. Overdevelopment

4 ROUNDHILLS – Objection: insufficient parking.

PARISH COUNCIL – No Objection in Principle – The Council has concerns over the access and the overflow off road parking facility.

WALTHAM ABBEY HISTORICAL SOCIETY – Object to the loss the loss of the existing building. Development out of keeping with the surrounding area.

### **Issues and Considerations:**

#### **Principle of development:**

This application site is a residential plot containing a detached dwellinghouse with a larger than usual garden area. Waltham Abbey is an urban, heavily built-up town that is, in principle, acceptable for additional residential development.

The proposed development would be fairly dense at some 90dph, which is significantly higher than the minimum density of 30-50dph as laid out within the adopted Local Plan. However the Local Plan 2011-2033 states that “the Council recognises that land is a finite resource, and that the District is subject to policy and environmental constraints. It is therefore critical that land for development is used in an efficient and effective way as set out in Policy SP2. Consequently, it is expected that all new development will maximise densities on housing sites, whilst recognising that different density levels will be appropriate for different sites in different locations as set out in Policy SP3”. Policy SP3 then goes on to lay out the following density recommendations:

To ensure the best and most efficient use of land as a guide the Council will normally expect:

- (i) a greater density of development at places with good public transport accessibility;
- (ii) densities above 50 dwellings per hectare in towns and large village centres, and along main transport routes and/or close to transport nodes;
- (iii) in the areas outside town and large village centres, new residential development should achieve densities of between 30 and 50 dwellings per hectare, and should enhance the distinctive character and identity of the area;
- (iv) lower density developments may be appropriate in other areas of the District. Some parts of the urban areas and some villages are particularly sensitive to the impact of intensification and redevelopment because of the prevailing character of the area and the sensitive nature of the surrounding countryside or built form.

Whilst not the most sustainable built-up area within the District there are sustainable transport modes available (bus), Waltham Abbey is within walking distance of Waltham Cross overground station, and the town centre caters for many of the residents day to day needs. Therefore a density of above 50dph or greater would be appropriate for this site.

### Design:

The site is situated close to the junction of Honey Lane and Roundhills and is the first of a long row of Edwardian properties continuing southeast along Honey Lane. Concerns have been raised about the loss of the existing Edwardian dwellinghouse, however this property is not listed, locally listed or within a Conservation Area and it is not considered to be a particularly exemplary example of an Edwardian dwelling. Therefore the principle of its demolition is considered to be acceptable.

The proposed redevelopment is fairly contemporary in design and follows a pre-application submission, which initially proposed two separate contemporary blocks. This proposal follows the advice provided within the pre-application response and whilst the provision of two buildings creates two very large properties in comparison to the surrounding dwellings, the overall height would sit lower than the neighbouring two storey dwelling that sits on higher ground. Furthermore the step down in the roofs, slight set back on the fourth floor, use of different materials, and the provision of the vehicle access through the building sufficiently breaks up the overall bulk of the building.

Given the location of the site close to the junction with Roundhills, whereby the design of the neighbouring properties are far less traditional 1960's modern, it is considered that a more prominent, stand-out building could be accommodated on this site without causing harm to the overall character and appearance of the area.

The development would retain (where appropriate) and replace the existing trees along the north western boundary of the site that would enable planting/screening to be provided, which would help to soften the impact of the proposal when approached from the west.

The previous application was refused in relation to design, with the reason for refusal outlined below:

*The proposed development would cause an unacceptable adverse impact on the character and appearance of Honey Lane as the design of two blocks results in an excessively bulky and over dominant form, resulting in a cramped development on this plot, which is stark and out of character with the existing street scene, contrary to the NPPF and the Local Plan (as amended) policies CP3, DBE1, and DBE2 of the Adopted Local Plan and Alterations and policy DM9 of the Epping Forest District Local Plan (Submissions Version) 2017.*

The reason was considered by the Inspector, who disagreed with this reason for refusal, and concluded within their decision that the design of the scheme was acceptable. As the design of the current proposal is near identical to the previous scheme, it is felt that permission cannot be refused on this basis due to the recent planning appeal history.

### Affordable Housing:

Policy H2 of the Epping Forest District Adopted Local Plan 2011-2033 (2023) states that on development sites which provide for 11 or more homes the Council will require 40% of those homes to be for affordable housing provided on site. Proposals that do not accord with the requirements for affordable housing must be accompanied by a financial and viability appraisal.

Where it has been demonstrated to the Council's satisfaction that the provision of affordable housing in accordance with the above levels and tenure mix would render the scheme unviable, the level of affordable housing required will be suitably adjusted. In this instance no affordable housing is proposed due to viability issues and a report has been commissioned by the applicant which sets out this case. This report has been independently appraised over the course of the application process and it has been agreed that the site is not viable enough to provide affordable housing. As a result the proposal is not required to deliver affordable housing. However, it has been agreed in principle that a Late Stage Review Mechanism be added to a Section 106 Legal Agreement to contribute towards affordable



housing if the scheme becomes more viable at a later stage in the development, in accordance with policy D1 of the Epping Forest District Adopted Local Plan 2011-2033 (2023).

Neighbouring amenity:

The proposed development would not extend beyond the rear wall of the neighbouring dwelling and would be slightly lower in height than the neighbouring house. Furthermore it is situated to the northwest of this site. As such it is not considered that there would be any detrimental loss of light or outlook to the neighbouring residents at No. 40 Honey Lane. Whilst there are upper storey balconies proposed to the rear of the new development that would provide some views into the rear garden of this neighbouring property the impact from this would be no different than the overlooking that would result from upper storey rear windows. Any upper storey flank windows facing towards this neighbour can be conditioned to be obscure glazed with fixed frames to ensure that they would not cause any lack of privacy.

The proposed development would be located some 6m from the shared boundary with the dwellings on Roundhills. Given this distance, along with the provision of replacement tree screening, it is not considered that there would be any excessive harm caused to the neighbouring residents of No's 1, 3 and 5 Roundhills.

Future resident's amenity:

The proposal would include communal amenity areas at the rear (beyond the car park) of the new building. Whilst the usability of these spaces is questionable all but one of the proposed flats would benefit from a small private terrace or balcony. The combination of both private spaces and a larger communal area is sufficient to meet the needs of future occupants.

The proposal would include a large bin storage area (externally accessible), bicycle store, and small additional storage area for use by future residents.

Highways:

The proposed development would be accessed by way of a new driveway off of Honey Lane that would be situated centrally to the site. This would pass through/under the new development and lead to a car park containing 12 parking spaces. A further two parking spaces would be provided to the front of the site, accessed directly from Honey Lane.

There were initial concerns about access width and visibility raised by Essex County Council and amended drawings have been provided to address these. As such there is no longer any objection from ECC highways, subject to conditions.

Given the location of the application site within walking distance of Waltham Abbey Town Centre it is considered that one parking space per unit is sufficient.

Epping Forest Special Area of Conservation:

The Council has a duty as the competent authority under the Habitats Regulations to protect the Epping Forest Special Area of Conservation (SAC) from the effects of development. Two issues in particular have been identified as being likely to have a specific effect on the Epping Forest SAC; being visitor pressure and impacts from air quality.

The scheme has been assessed by the Council's Transport Consultant who have assessed that the scheme would be acceptable subject to mitigation secured either via condition or via S106 legal agreement.

An Air Pollution Mitigation Strategy is in place and the applicant has confirmed willingness to enter into a legal agreement to provide the necessary contributions toward mitigating the effects of the development in relation to recreational pressure and air quality. The applicant has also agreed to provide residential travel packs which can be agreed via condition.

In addition to the above, as required by policy T1 of the Epping Forest District Adopted Local Plan 2011-2033 (2023), a condition is required to ensure that there is 1 Electric Vehicle Charging Point for every 10 spaces to encourage and facilitate the use of electric cars, which would assist in improving air quality within the District.

Other Considerations:

Flood risk:

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a Flood Risk Assessment is required, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by sustainable drainage system. Further details are required for this, which can be dealt with by way of a condition.

Contamination:

A readily available Council held desk study information for this site has been screened and no evidence can be found of any potentially significant contaminating activities having taken place historically on the site. Records indicate that the site formed part of a field until the existing house was built in the 1920s-1940s and that the site has remained in domestic use since this time.

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos in hardstanding beneath the existing footpath and the former tennis court sub base) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Healthcare:

The East of England Ambulance Service NHS Trust have commented on the application and have identified that the development would give rise to additional healthcare provision and have requested mitigation in relation to the additional pressure caused by this. It is considered that such a contribution can be secured via a S106 Legal Agreement where appropriate.

Conclusion:

This application site is an existing residential property situated within a built-up urban location. Whilst the scale of the new development would be significantly greater than the existing dwellinghouse and would result in a high density to the site this is considered to be appropriate for this particular location. Furthermore the design of the buildings ensures that the overall bulk of the buildings would be adequately broken up and maintain views through buildings, a feature currently in place along that part of Honey Lane.

The new development would be more contemporary in appearance than the existing Edwardian dwelling and the other properties within Honey Lane the site is situated close to the junction with

Roundhills, which is a 1960's modern estate containing dwelling that are untraditional in style. Therefore the proposal is considered to be appropriately designed for this particular site.

The impact on neighbouring residents is considered to be acceptable, subject to various conditions, and whilst there would be some disturbance and disruption during the construction of the development this harm would be temporary and is not a material planning consideration. Nonetheless, time constraints for construction works are suggested in order to minimise the impact on neighbours.

This development would provide additional housing accommodation to assist in the Council meeting its five-year land supply and proposes sufficient levels of off-street parking (for the location) and amenity space for future occupants.

The proposal meets all other policy requirements and, subject to a S106 Agreement and various conditions, complies with the guidance contained within the National Planning Policy Framework and the relevant adopted Local Plan policies. As such the application 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: Alastair Prince**  
**Email: [aprince@eppingforestdc.gov.uk](mailto:aprince@eppingforestdc.gov.uk)**

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

**Conditions: (21)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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: 116/07 - (02); 001, 002, 003/A, 004/A, 005, 006

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

- 3 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

Reason:- To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with the guidance contained within the National Planning Policy Framework, policy RP3 of the adopted Local Plan and Alterations, and Policies DM16 and DM18 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 4 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

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 policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan 2011-2033 (2023), and the NPPF.

- 5 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan has been submitted to and approved by the Local Planning Authority. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependent upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- The development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off, in accordance with the guidance contained within the National Planning Policy Framework, policy U2B of the adopted Local Plan and Alterations, and policy T 1 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 6 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.

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 DM9 of the adopted Local Plan 2011-2033 (2023).

- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning

Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. Safe access into the site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
6. Wheel and underbody washing facilities

Reason:- To limit the impact of the construction work on the living conditions of residents living in close proximity to the site, in accordance with the guidance contained within the National Planning Policy Framework, policies RP5A and DBE9 of the adopted Local Plan and Alterations, and policy DM21 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 8 Prior to first occupation of the development hereby approved, Electric Vehicle Charging Points shall be installed and retained thereafter to serve each of the new parking spaces on the site.

Reason: To help support improvements to air quality in accordance with the NPPF and Policy T1 and DM22 of the Epping Forest District Local Plan 2011-2033 (2023).

- 9 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the Adopted Local Plan and Alterations and Policy DM19 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 10 Prior to the first occupation of the development the access shall be provided by way of a dropped kerb crossing of the footway with no radius kerbs being required.

Reason:- To ensure safe and suitable access is provided.

- 11 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason:- In the interests of highways safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 12 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason:- In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with the guidance contained within the National Planning Policy Framework, policy ST1 of the adopted Local Plan and Alterations, and Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 13 Bat bricks shall be incorporated into the building. A plan showing the type and location of bat bricks to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 14 Bird boxes shall be erected on site. A plan showing the type and location of bird boxes to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Reason:- To minimise damage to biodiversity, in accordance with the guidance contained within the National Planning Policy Framework and Policy DM1 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 15 No Tree protection shall be installed as shown on Tim Moya Associates 'Tree Protection Plan' drawing number 170514-P-22 (dated October 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement reports.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with the guidance contained within the National Planning Policy Framework, policy LL10 of the adopted Local Plan and Alterations, and policies DM3 and DM5 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 16 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with the guidance

contained within the National Planning Policy Framework and policies LL10 and LL11 of the adopted Local Plan and Alterations, and policies DM3 and DM5 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 17 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity, in accordance with the guidance contained within the National Planning Policy Framework, policies CP2 and DBE1 of the adopted Local Plan and Alterations, and policy DM21 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 18 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason:- To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with the guidance contained within the National Planning Policy Framework, policy ST4 of the adopted Local Plan and Alterations, and policy T1 of the Epping Forest District Local Plan 2011-2033 (2023).

- 19 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

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, policy ST4 of the adopted Local Plan and Alterations, and Policy T1 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 20 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 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 recommencement of development works. In such instances, 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 Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan 2011-2033 (2023).

- 21 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM21 of the Local Plan 2011-2033 (2023), and the NPPF.

**Informatives: (4)**

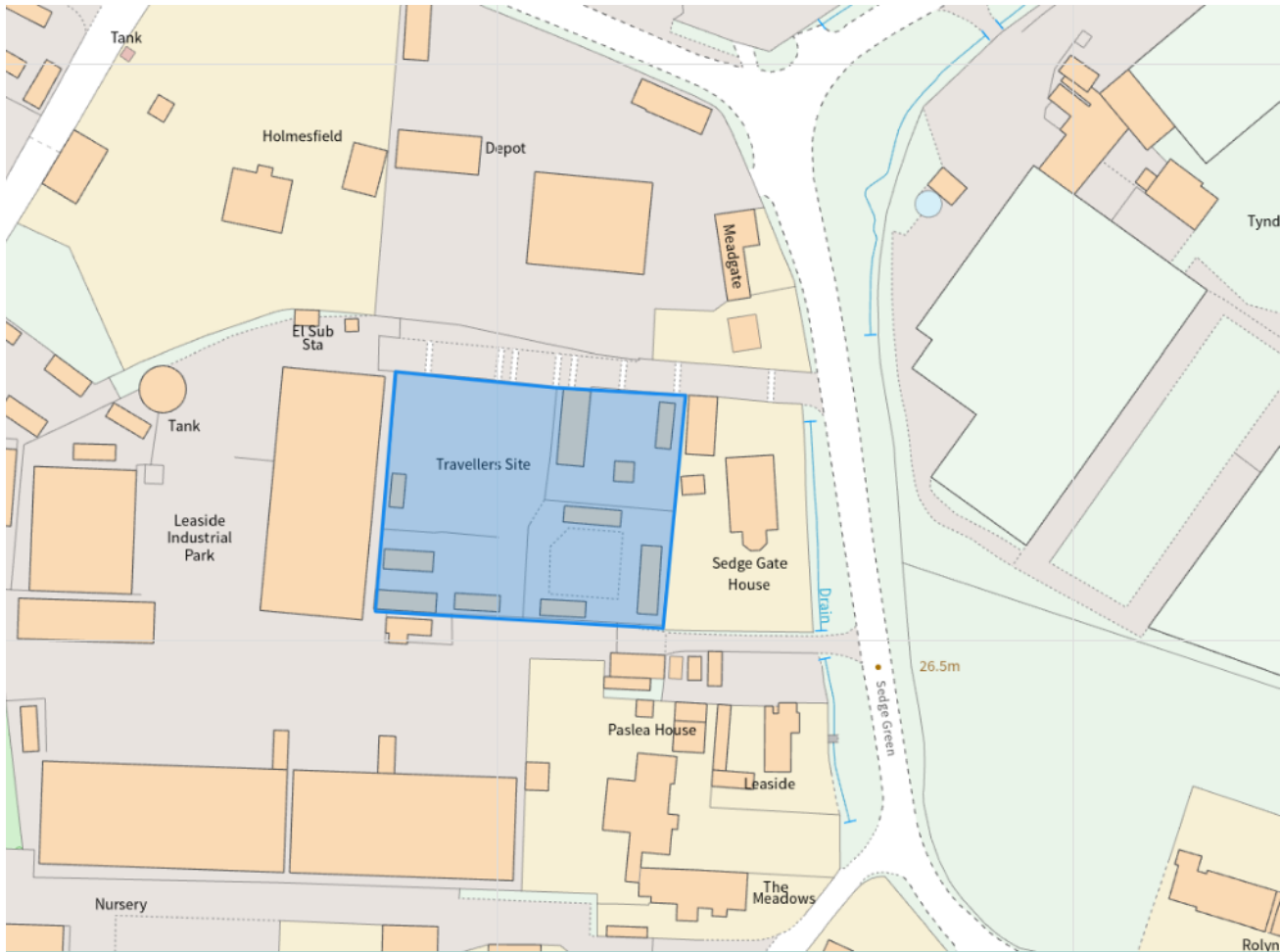
- 22 The Local Planning Authority has acted positively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- 23 This permission is also subject to conditions and/or covenants of an accompanying Section 106 Agreement.
- 24 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)





# Epping Forest District Council

# EFDC



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Application Number:	EPF/2587/22
Site Name:	Sedge Gate Nursery, Sedge Green Nazeing EN9 2PA

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# OFFICER REPORT

**Application Ref:** EPF/2587/22  
**Application Type:** Full planning permission  
**Applicant:** Mr Pasquale Milazzo  
**Case Officer:** Caroline Brown  
**Site Address:** Sedge Gate Nursery, Sedge Green, Nazeing, Waltham Abbey, EN9 2PA  
**Proposal:** Erection of 10 Warehouse Units for B1 and B8 use (revised application EPF/1334/22)  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Uezw>  
**Recommendation:** Refuse

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

## **Description of Site:**

The application site is located to the west of Sedge Green, to the rear of Sedge Gate House accessed by a shared narrow track between Sedge Gate House and Meadgate in the Settlement of Nazeing.

The site is currently vacant, a former glasshouse use located within the boundaries of the Metropolitan Green Belt, Flood Zone 2 as defined by the Environment Agency and within the Lea Valley Regional Park.

The site has been occupied with unauthorised uses, but the lawful use of the site continues to be a horticulture use. The previous nursery site was divided into two, with the front (eastern) parcel constituting the application site and the rear (western) parcel being incorporated into the established adjacent Leaside Nursery.

The site is not in a conservation area or listed.

## **Description of Proposal:**

The proposal is a resubmission following a previous refusal ref: EPF/1334/22 for the construction of 10 light industrial warehouse units (B1 & B8) arranged in two aligned blocks built up to the north and south boundary, each unit measuring a width of 7m x 15m with a roller shutter door and pedestrian side door to the front elevation.

Units 1-4 and 6-9 have a shallow gable end roof at a ridge height of 5.7m and an eaves height of 5.0m. Units 5 and 10 have a maximum height of 4.5m.

The amendments from the previous refusal are as follows:

- reduction in the number of units from 12 to 10
- Reduction in the height of units 5 and 10 from 5.7m to 4.5m.

Units 1-5 are sited to the north boundary of the site with Units 6-10 to the south. The vehicle access, 14.9m in width, is sited to the northeast of the site with the provision of 2 car spaces per unit with additional parking spaces to the west site boundary amounting to some 30+ car spaces (contrary to the 15 car spaces stated in the application form). Materials: concrete and profile steel cladding.

## **Relevant History:**

EPF/1334/22- Resubmission of the previous refusal ref: EPF/0013/20.

The amendments were as follows:

Reduction in the number of units from 14 to 12.

the height of the units reduced from 7.6m to 5.7m.

Units 7-12 are now sited over 13m from the west boundary with Sedge Gate House.

B2 use has been omitted.

Refused - 11/10/22 for the following reasons:

- *The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would be visually more prominent and have a greater physical impact on the openness of the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy GB7A and GB2A of the adopted Local Plan and Alterations (2006-2008), and with policy DM4 of the Epping Forest Local Plan (Submission Version), 2017 and with the Green Belt objectives of the NPPF, 2021.*

- *The development by reason of its design, scale, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to Sedge Gate House and surrounding area. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers.*

EPF/2425/21 - Change of use from horticultural use to 14 warehouse units.

The proposal for the construction of 14 industrial units for B1, B2 and B8 use at a ridge height of 7.6m and an eaves height of 5.5m.

- Refused 20/05/22

1.The National Planning Policy Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal is considered to constitute inappropriate development in the Green Belt that would be harmful to its open character and visual amenity. In addition, the scale height, bulk and activities associated with such a development would result in a visually more conspicuous, prominent and intrusive impact on the rural character of the Green Belt. Whilst there are considered benefits to the proposed.

2.The development by reason of its design, scale, height, activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise and disturbance and also a loss of light, intrusive and overbearing impact, to Sedge Gate House. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998-2006), policy DM9 of the Submission Version, 2017 and with the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers

EPF/0013/20 - Retrospective development for the change of use of the land from former glasshouses for the stationing of caravans for residential occupation by Gypsy and Travellers with associated

hardstanding, fence/gates, lighting and utility buildings and the parking of 2 vehicles on plots 2-3 and 4 - Refused - 01/05/20 on inappropriateness in the Green Belt

EPF/2406/19 - Retrospective application for change of use of land for stationing of caravans for occupation by Gypsy Traveller family - Refused - 22/09/20 on inappropriateness in the Green Belt , no flood risk assessment.

EPF/1060/13 - Retrospective Consent for the change of use of the land for the stationing of caravans for occupation by Gypsy - Traveller families with ancillary works including (including the demolition of two rows of glasshouses and erection of fencing and amenity blocks and the installation of hardstanding and a septic tank).  
Refused - 27/05/2013.

'The proposal constitutes inappropriate development within the Metropolitan Green Belt that is, by definition, harmful to the openness of the Green Belt, and would also constitute unacceptable development within the Lee Valley Regional Park, the Environment Agency Flood zone 2 and a designated E13 area. No very special circumstances exist that clearly outweigh this identified harm and, as such, the development is contrary to the guidance contained within the National Planning Policy Framework and policies GB2A, GB5, H10A, E13B, RST24 and U2A of the adopted Local Plan and Alterations'.

'No Sequential Test has been submitted and agreed regarding the use of this site for a highly vulnerable development within Environment Agency Flood zone 2. As such, there is no justification as to why the proposed development cannot be located on any other site in areas with a lower probability of flooding and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations'.

Appeal (Ref: APP/J13/A/13/2206298) - Temporary permission Allowed June 2016 for 3 years.

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes - Refused 12/02/13.

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – Approved/conditions 16/08/11.

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building - Refused 28/04/11.

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs - not lawful 28/11/11

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses - Refused 01/07/05.

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays - Refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/1338/16 Storage building replaced by three dwellings - Approved - 29/07/2016.

## **Applied Policies**

### **Epping Forest District Local Plan (2011-2033) (March 2023)**

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the

requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies are relevant to the determination of this application.

SP6 - Green Belt and District Open Land  
DM4 - Green Belt  
DM2 - Epping Forest SAC and the Lee Valley SPA  
DM9 - High Quality Design  
DM15 - Managing and reducing flood risk  
DM21- Local environmental impacts, pollution and land Contamination  
DM22 - Change in air quality management  
T1 - Sustainable transport choices

### **Local Plan and Alterations (1998-2006)**

CP1 Achieving sustainable development objectives.  
CP2 Protecting the quality of the rural and built environment.  
CP3 New development  
GB2A Development in the Green Belt  
GB7A Conspicuous Development  
DBE1 Design of new buildings  
DBE9 Loss of amenity  
DBE2 Effect on Neighbouring Properties  
DBE4 Design in the Green Belt  
RP5A - Adverse environmental impacts  
ST1: Location of development  
ST2: Accessibility of Development  
ST4 Road Safety  
ST6 Vehicle Parking  
NC1 SPA's, SAC's and SSS1's  
RP4 Contaminated Land  
U2A -Development in flood risk areas  
RST24 - Design and location of development in the LVRP

### NPPF, 2021

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

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

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

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

Paragraph 81 & 84

Paragraph 137- 138 and 147-149

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

Site Notice Displayed 12/12/22.

#### **NAZEING PARISH COUNCIL – OBJECTION**

- The roads in Nazeing are not suitable for heavy lorries. Already overused by these types of vehicles, the use would exacerbate the problem.
- The Lea Valley is well known for being a long-standing centre for salad and vegetable grown in for the country and the green house industry. Turning these greenhouses into warehouses is completely against this concept and will adversely alter the dynamics of the local community.
- If approved condition should be attached that the warehouses are used only in connection with the existing greenhouses.

27 neighbours notified: 4 objections received that raise the following concerns:

#### **Sedge Gate House:**

- these units will cause permanently overshadow to our property as our house is a chalet bungalow. detrimental to our living habitat.
- The noise and disturbance from delivery drivers are all breaching the weight and time restrictions.
- The entrance to the site is very narrow and has caused our property damage on many occasions as large lorries cannot turn and end up hitting our wall.
- The traffic of cars vans and lorries are constant from 6.30am to 11.00pm 7 days a week. There is always chaos outside from lorries blocking the road to turn or reverse in.
- Loss of privacy due to overlooking and overbearing. The buildings are of steel and are not very noise proof. banging and cutting, and music played by the units and the staff calling out at each other.
- The rear units were meant to be light industrial but are not. There is granite companies steel fabricator who receives a lorry load of steel on a double lorry every morning. There are several mechanical vehicle repairers, and many more, which are aware of the restriction and totally ignore it as they were misinformed by the proprietor when taking out a tenancy agreement, which I have been told by several of the tenants themselves. When we have had words about the restriction.
- The proximity and the nature of the proposed units Should be refused for the peace and tranquility of neighbours.

#### **Yew Tree Cottage - Sedge Green:**

- I am the owner of the land to the side of Sedge Gate House, which has been granted planning permission reference: EPF/2998/19 for a 3-bed chalet bungalow, I am building a new home and do not want an industrial estate at the bottom of my garden which will only be 6-7 metres deep.
- My home will be enclosed by large buildings that will shadow my home along with noise pollution. The access is also too narrow.
- I am very concerned about the green belt and how these units will affect our local area which is already hazardous due to the amount of the of articulated vehicles that pass through Nazeing, and the other businesses locally cause extreme traffic and danger to the local residents. Further businesses need to be based in areas where the residents are not in danger and can operate more freely if in an established industrial area.

W J Wooster and Sons Ltd, Meadgate Farm Depot,

- The reasons of the objections from neighbours living next to the site have been well documented previously and should once again be considered by EFDC as they and us are affected by the granting of this application.
- The change to incorporate just one slightly smaller warehouse that sits just slightly further back from the rear garden of Sedge gate House is really not taking the thoughts and consideration of us neighbours into consideration.
- The erection of these warehouse units would seriously invade our privacy and cause further problems and issues with noise, pollution, disturbance, traffic congestion and flooding.
- At no point have any neighbours been consulted by the application to warehouse size and location.
- Leaside Industrial Estate is already causing too much traffic congestion, noise pollution, damage and general aggravation and disturbance for neighbours. When the owner is asked to help us with controlling of permitted rules and regulations, he says he cannot control the businesses. Absolutely nothing is ever done and us neighbours are always left helpless.
- There are already major breaches of applied rules and regulation on this site known as Leaside Industrial Estate and units for storage/distribution will only further add to breaches with regards to hours of operation and usage of overweigh vehicles.
- There are companies that rent the units that blatantly and permanently park 18 tonne vehicles on the site, and one only has to walk around the site at any time to see this.
- Over the years since Leaside Industrial Estate has been operational there has been many vehicles which have damaged my property trying to gain entry to the industrial area. Oversized and over-weight Goods Vehicles have blocked the main road . Yet now us neighbours have to endure more industrial units being erected, more vehicle, more noise, more pollution, more aggravation and disturbances. Us neighbours have our own land, our own privacy to protect, our own lives that we are entitled to some quality.
- More units will cause even more noise pollution, create more traffic issues and just generally make things even more unbearable for us neighbours than it already is.
- Loss of privacy and block natural sunlight where it is needed in our gardens.
- there are no drawings or plans of underground drainage.

Leaside and Belcher Motors

- Massive development if allowed then the immediate area will be just an industrial estate with no residents who can reside there.
- the applicant has already built the same building to the far end of us, and we have had constant traffic lorries causing traffic as entrance too narrow. There is 7.5 tonne restriction on the road which would be the entrance but is completely ignored by the site owner/warehouse residents and have had our walls to our property knocked down on several occasions. with 18 tonne and 44 tonne articulated vehicles.
- Noise, pollution and congestion detrimental effect to us and Nazeing village.
- The site is not a suitable location to erect industrial units, that will promote a 100 or more vehicles per day alongside with delivery companies who tend to use vehicle of over 7.5 tons and Arctic container lorries.
- Years of turmoil with it being a traveller site, now plans to change use into to warehouses is even more concerning as the traffic increase noise will hugely increase. Constant vehicles obstructing our access into our home to deliver to the warehouses behind, we are in constant danger of accidents .
- The industrial area is supposed to be restricted to set working times, yet many businesses already seriously abuse this and work 24 hours a day 7 days a week. When asked about out of hours working the resident businesses say take it up with the owner. When the owner is asked to stop business out of hours working, he says he cannot control the businesses.

### Re-consultation

A re-consultation exercise was undertaken due to an amendment to the application description which is a more accurate description of the proposal. A minor amendment has also been made to the red line which now incorporates the vehicular access.

## **Main issues and Considerations:**

- Historical Background Information of the site
- Impact on the Green Belt
- Impact on neighbour's amenity
- Highway and Parking
- Environment Protection and Land Drainage :Contamination
- Special Area of Conservation

### Historical Background Information of the site

The site has historically always been in horticultural use. A retrospective planning application in 2013 (Ref: EPF/1060/13) to change the use of the site for the stationing of caravans for the occupation by Gypsy/Traveller families was refused planning permission due to its inappropriateness and its impact on the Green Belt. An appeal in 2016 ref: APP/J13/A/13/2206298 allowed a temporary period of 3 years which has now expired.

The Inspector in her statement noted that the planning history of the appeal site involved no horticultural use of the glasshouses since around 2008, that the site had been used for a number of other unauthorised uses. In terms of the Green Belt, the Inspector concluded that there was harm to the Green Belt by inappropriate development which should not be approved except in very special circumstances, and which carries significant weight.

### Appropriateness of the development on the Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that 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. There is a presumption against inappropriate development which is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

Paragraph 147-150 of the NPPF states that when considering planning applications, local planning authorities 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 are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The application site is lawfully a horticultural nursery and therefore falls under the category of 'agricultural land'. Therefore, the site does not constitute previously developed (brownfield) land and the development of this site would not meet any relevant exceptions to inappropriate development as set out in paragraph 149.

Although the number of proposed light industrial and storage units have been reduced from previous refused applications, the proposed units would still result in a greater floor area, amounting to some 1,050m<sup>2</sup> with a cumulative volume of some 5,250m<sup>3</sup> resulting in significantly greater harm to the Green Belt.

The proposal development replaces previous glasshouses which are considered appropriate in the context of its surroundings whereas the solid form, height, prominent siting and scale would radically change the site from a horticultural use to an industrial park resulting in a much more imposing and



intrusive impact, intensifying urban activity, greater vehicular and pedestrian traffic movements and light spillage contrary to national and local policy. The proposal is also contrary to the Inspectors comments.

This application is for a greater intensity and a significantly greater spatial and visual impact on the openness and visual amenity of the site and surrounding area. The potential employment contribution that the scheme brings is given significant weight, but the density, height, bulk prominence and urban activity of the buildings would on balance not outweigh the identifiable harm to the openness and visual amenity of the Green Belt.

The Council is not aware of any very special circumstances which clearly outweigh this harm and any other harm resulting from the proposal. The proposal therefore conflicts with Green Belt policy within the NPPF, policy GB2A and GB2A of the Local Plan and policy DM4 of the Submission Local Plan.

#### Impact on Neighbouring Amenity

The site is bounded by a mix of uses with residential to the immediate north and south and Sedge Gate House and Yew Tree Cottage sited to the immediate east of the site adjacent to the narrow entrance to the industrial park itself and also the vehicular site access.

The amendments from the previous refused applications are minor, reducing the number of units from 12 to 10, and the height of units 5 and 10 from 5.7m to 4.5m with the siting of them remaining unchanged.

The existing industrial units to the far west of the site are currently at good separation distance, well separated from residential uses and the highway whereas the proposed development would bring forward new industrial warehouse units in close proximity to residential dwellings, built on the north and south boundary of the site resulting in a greater intensity, visibility and prominence from Sedge Green Road and the wider area which is what the Inspector in her statement refused previous applications for and sought to prevent.

The increase in the number of industrial units by reason of their siting, scale, massing and activities located in close proximity to residential properties in association with the existing industrial uses, using the same narrow vehicle access would cumulatively be of a level that would give rise to significant demonstrable harm to neighbour's amenity in the form of noise, disturbance and intensity of use which is contrary to the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan, 2017.

#### Highway and Parking

The Highway Authority has no objection to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

#### Environment Protection & Drainage

The applicant has provided a flood risk assessment and the drainage team agree with the findings in principle. Considered within the flood risk assessment is a surface water drainage strategy and whilst we agree with the general principles of the design, including the use of permeable paving where possible, there are, however concerns of the practicality of using permeable paving for all hardstanding areas in relation to loading.

As the development is defined as having multiple HGV movement on a weekly basis, further information is therefore required on the type of permeable paving system proposed including the construction make up. Any changes to the design must be supplied alongside a supporting statement, calculations and detailed drainage plan.

Further details are required to be submitted to the Local Planning Authority of the disposal of surface water and foul drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

### Contamination

The site has acknowledged potentially contaminated land due to use as a horticultural nursery on a former landfill site. As this proposal is for redevelopment of the site, it is necessary to investigate all potential land contaminative issues.

No contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework 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 Policy Framework, policy RP4 of the adopted Local Plan and Alterations, and policy DM 21 of the Epping Forest District Council Local Plan Submission Version 2017.

### Impact on the Special Area of Conservation

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concludes that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development).

Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of parts of the methodology underpinning the appropriate assessment HRA 2019, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as competent authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

- 1) Recreation activities arising from new residents (recreational pressures); and
- 2) Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

As this application is for non-residential development it has been screened in relation to the atmospheric pollution Pathway of Impact only and concludes as follows:

- 1) The development would not result in a net increase in traffic using roads through the EFSAC.

The Council is therefore satisfied that the application proposal would not result in a likely significant effect on the integrity of the EFSAC. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal or seek financial contributions toward mitigation and monitoring measures.

### **Conclusion**

The proposed amendments are not considered to have satisfactorily addressed the previous reasons for refusal.

The site lies within the boundaries of the Metropolitan Green Belt. The National Planning Policy Framework establishes that substantial weight should be given to any harm to the openness of the Green Belt. The proposal is considered to constitute inappropriate development that is harmful to its rural open character and visual amenity. Furthermore, the scale, height, bulk, siting and activities would result in a greater visual prominence and intensity on the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy DM4 of the Epping Forest Local Plan (2011-2033) and policy GB7A and GB2A of the Local Plan and Alterations (2006-2008) and with the Green Belt objectives of the NPPF, 2021.

The development by reason of its scale, intensification of activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to the immediately adjoining residential properties Sedge Gate House and surrounding area.

Such substantial harm to the living conditions of the adjoining properties is contrary to policy DM9 of the Epping Forest Local Plan (2011-2033) and policy DBE9 of the Local Plan and Alterations (1998-2006) and the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers. In light of the above considerations the application is recommended for refusal.

***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: Caroline Brown***

***Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

### **Refusal Reason(s): (2)**

- 1 The site lies within the boundaries of the Metropolitan Green Belt. The National Planning Policy Framework establishes that substantial weight should be given to any harm to the openness of the Green Belt. The proposal is considered to constitute inappropriate development that is harmful to its rural open character and visual amenity. Furthermore, the scale, height, bulk, siting and activities would result in a greater visual prominence and intensity on the Green Belt. Whilst there are benefits to the scheme the proposed development cannot be justified in terms of 'very special circumstances' which would outweigh the harm identified and is contrary to policy DM4 of the Epping Forest Local Plan (2011-2033) and policy GB7A and GB2A of the Local Plan and Alterations (2006-2008) and with the Green Belt objectives of the NPPF, 2021.

- 2 The development by reason of its scale, intensification of activities and siting would cause significant demonstrable harm to neighbour's amenity in the form of noise, intrusiveness and disturbance to the immediately adjoining residential properties Sedge Gate House and surrounding area.

Such substantial harm to the living conditions of the adjoining properties is contrary to policy DM9 of the Epping Forest Local Plan (2011-2033) and policy DBE9 of the Local Plan and Alterations (1998-2006) and the core objective of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupiers.

**Informatives: (2)**

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Council's website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development through this service.
- 4 This decision is made with reference to the following plan numbers: 3413-21A1-13; 3413-21A1-12 Rev B; 3413-21A1-14