

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 18th November, 2015**

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, 18th November, 2015**
at **7.30 pm** .

Glen Chipp
Chief Executive

**Democratic Services
Officer**

Mark Jenkins(Directorate of Governance)
Email: democraticservices@eppingforestdc.gov.uk Tel:
01992 564243

Members:

Councillors Y Knight (Chairman), A Mitchell (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell, S Stavrou and E Webster

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 Public Relations Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

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

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 22)

To confirm the minutes of the last meeting of the Sub-Committee held on 16 September 2015.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

7. DEVELOPMENT CONTROL (Pages 23 - 72)

(Director of Governance) To consider the planning applications set out in the attached schedule

Background Papers

- (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.
- (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. PROBITY IN PLANNING - APPEAL DECISIONS (Pages 73 - 92)

(Director of Governance) To consider the attached report.

9. 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):

Agenda Item No	Subject	Exempt Information Paragraph Number
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.

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers

Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

Advice to Public and Speakers at Council Planning Subcommittees

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.

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 Subcommittee.

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**. Ring the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak, you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

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 three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Sub-Committee members.

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

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 through Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

How are the applications considered?

The Subcommittee 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 Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

Further Information?

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Planning Subcommittee West 2015-16

Members of the Committee and Wards Represented:



Cllr Knight
Lower
Nazeing

Cllr Mitchell
Waltham Abbey
North East

Cllr Bassett
Lower
Nazeing

Cllr Butler
Waltham Abbey
Honey Lane

Cllr Dorrell
Waltham Abbey
Paternoster

Cllr Gadsby
Waltham Abbey
South West



Cllr Hughes
Broadley
Common,
Epping Upland
and Nazeing

Cllr H Kane
Waltham
Abbey South
West

Cllr S Kane
Waltham
Abbey
Honey Lane

Cllr Lea
Waltham
Abbey North
East

Cllr Sartin
Roydon

Cllr Shiell
Waltham
Abbey
Honey Lane



Cllr Stavrou
Waltham
Abbey High
Beach

**Cllr
Webster**
Waltham
Abbey
Paternoster

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee West **Date:** 16 September 2015

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.05 pm

Members Present: Councillors Y Knight (Chairman), A Mitchell MBE (Vice-Chairman), R Bassett, R Butler, D Dorrell, R Gadsby, L Hughes, H Kane, S Kane, J Lea, M Sartin, G Shiell and S Stavrou

Other Councillors:

Apologies: Councillor E Webster

Officers Present: J Godden (Principal Planning Officer), S Tautz (Democratic Services Manager), G Woodhall (Senior Democratic Services Officer)

20. 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.

21. 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.

22. MINUTES

RESOLVED:

That the minutes of the meeting of the Sub-Committee held on 19 August 2015 be taken as read and signed by the Chairman as a correct record.

23. DECLARATIONS OF INTEREST

The following declarations of interest were made by members of the Sub-Committee:

- (a) Pursuant to the Council's Code of Member Conduct, Councillor Y. Knight declared a non-pecuniary personal interest in agenda item 7 (1) (EPF/0570/15 – Chimes Garden Centre, Old Nazeing Road, Nazeing) by virtue of being a member of Nazeing Parish Council. Councillor Knight declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item;
- (b) Pursuant to the Council's Code of Member Conduct, Councillor R. Bassett declared a non-pecuniary personal interest in agenda item 7 (1) (EPF/0570/15

– Chimes Garden Centre, Old Nazeing Road, Nazeing) by virtue of being a member of Nazeing Parish Council. Councillor Bassett declared that his interest was not prejudicial and indicated that he would remain in the meeting during the consideration and voting on the item;

- (c) Pursuant to the Council's Code of Member Conduct, Councillor M. Sartin declared a non-pecuniary personal interest in agenda item 7 (1) (EPF/0570/15 – Chimes Garden Centre, Old Nazeing Road, Nazeing) by virtue of being one of the Council's appointed representatives to the Lea Valley Regional Park Association. Councillor Sartin declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item; and
- (d) Pursuant to the Council's Code of Member Conduct, Councillor S. Stavrou declared a non-pecuniary personal interest in agenda item 7 (1) (EPF/0570/15 – Chimes Garden Centre, Old Nazeing Road, Nazeing) by virtue of being one of the Council's appointed representatives to the Lea Valley Regional Park Association. Councillor Stavrou declared that her interest was not prejudicial and indicated that she would remain in the meeting during the consideration and voting on the item.

24. ANY OTHER BUSINESS

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

25. DEVELOPMENT CONTROL

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That planning applications numbered 1–4 be determined as set out in the annex to these minutes.

CHAIRMAN

Report Item No:1

APPLICATION No:	EPF/0570/15
SITE ADDRESS:	Chimes Garden Centre Old Nazeing Road Nazeing Waltham Abbey Essex EN10 6RJ
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of existing Garden Centre/Commercial Buildings and erection of 26 dwellings with associated parking and landscaping
DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=574313

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL/101 A, 102, 103, 104, 105, 106, 107,108, 109, 110, 111, 112, 113
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor

artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall commence until a survey by a competent person has been carried out to establish the presence or otherwise of Japanese Knotweed and submitted to the Local Planning Authority. The survey should also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control programme suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement 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. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 9 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

- 10 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 12 No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 13 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 14 No development shall take place until details of the proposed surface materials for the roads and driveways have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 15 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 16 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local

Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 17 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]

- 18 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.

- 19 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 20 No development shall take place until details of a satisfactory ground gas investigation and risk assessment has been carried out and submitted to the Local Planning Authority for approval in order to determine what if any ground gas remediation measures may be required or shall specify appropriate ground gas

mitigation measures to be installed in the building(s) in lieu of any ground gas investigation.

The investigations, risk assessment and remediation methods, including remedial mitigation measures to be installed in lieu of investigation, shall be carried out or assessed in accordance with the guidance contained in BS 9485:2007 "Code of practice for the Characterisation and Remediation from Ground Gas in Affected Developments." Should the ground gas mitigation measures be installed, it is the responsibility of the developer to ensure that any mitigation measures are suitably maintained or to pass on this responsibility should ownership or responsibility for the buildings be transferred.

- 21 Prior to any excavation or dewatering works taking place on site and prior to details of land contamination remediation being submitted, a report by suitably qualified and experienced groundwater and land stability engineers providing a full survey and assessment of risks both on and off site from the proposed contamination remediation works shall be submitted to and agreed in writing by the Local Planning Authority.
- 22 Prior to first occupation of the development the vehicular turning facilities, as shown in principle on drawing no.PL101 Rev A, shall be constructed, surfaced and maintained free from obstruction within the site at all times and shall be retained as such in perpetuity.
- 23 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation 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.
- 24 Prior to any works on site the existing gated access to the site from Great Meadow, shall be closed by the erection of wall, details of which are to be submitted to and agreed in writing by the Local planning Authority. The approved wall shall thereafter be retained and no access or egress into the site from/to Great Meadow shall take place at any time.
- 25 No development shall take place until a detailed surface water drainage scheme for the site has been submitted. It shall be based on sustainable drainage principles as outlined in the approved Flood Risk Assessment (FRA) 1333 - FRA 26 Dwellings - March 2015 and additional documentation 1333-let-15-04-2015-T-Simpson and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by the 1 in 100 year + 30% climate Change critical storm so that it will not exceed the 1 in 1 year greenfield run off rate to be 4.1 litres per second from the proposed impermeable area of 6630m² and not increase the risk of flooding off-site.
 2. Provide a storage volume of 365 m³ to contain the 1 in 100 year event inclusive of climate change.
 3. Ensured that the appropriate level of treatment, in line with table 3.3 of the CIRIA SuDS guide, is applied to all runoff leaving the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

- 26 Prior to commencement of development a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime, shall be submitted to and agreed in writing by the Local planning Authority. The agreed management and maintenance plan shall then be implemented in accordance with the agreed details thereafter unless alternate arrangements are agreed in writing.

And Subject to the applicant first entering into a legal agreement under section 106 (within 3 months of the date of the decision) to provide £500,000 towards the provision of affordable housing elsewhere within the district and to provide £98,593 (index linked) towards provision of secondary education and £22,640 index linked towards school transport costs.

Report Item No:2

APPLICATION No:	EPF/1345/15
SITE ADDRESS:	Rose Farm Hamlet Hill Roydon Essex CM19 5JU
PARISH:	Roydon
WARD:	Roydon
DESCRIPTION OF PROPOSAL:	Siting of replacement mobile home to replace existing, provision for standing for 2 touring caravans, retention of dayroom and part barn used as playroom/gym for permanent residential purposes
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576734

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawings nos: 13-5056-101 Rev A & TOPAZ 65x22 4B
- 2 The use hereby permitted shall be carried on only by Mr Thomas Breaker and Ms Maria Wilson and their resident dependants and shall be for a limited period, being the period of three years from the date of this decision or the period during which the premises are occupied by them, whichever is the shorter.
- 3 When the premises cease to be occupied by Mr Thomas Breaker and Ms Maria Wilson and their resident dependants or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and the mobile home hereby permitted shall be removed from the site, along with all caravans, structures, materials and equipment brought on to the premises in connection with the use and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
- 4 With the exception of the mobile home hereby permitted, no more the two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time. None of which shall be a static caravan or mobile home.
- 5 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

- 6 No commercial activities shall take place on the land, including the storage of materials.

Report Item No:3

APPLICATION No:	EPF/1640/15
SITE ADDRESS:	The White House Epping Green Essex CM16 6PU
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Antellas Developments Ltd
DESCRIPTION OF PROPOSAL:	Erection of two detached dwellings with garages, improved highway access, drives, turning areas and ancillary works.
DECISION:	Grant Permission (Subject to Legal Agreement)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577556

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and plan numbers: 2966/1, A1, A2, A3, A4, B1, B2, B3 & B4
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for

planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction Recommendations) have been submitted to and approved in writing by the Local Planning Authority. 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.
- 7 Before any preparatory clearance or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 9 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 10 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.

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.

- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 Prior to first occupation of proposed development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 13 There shall be no discharge of surface water onto the Highway.
- 14 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15 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.
- 16 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, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

And the completion by the 21st September 2015 (unless otherwise agreed in writing by the Local Planning Authority) of a legal agreement to secure a contribution of £10,000 towards the provision of affordable housing.

Report Item No:4

APPLICATION No:	EPF/1652/15
SITE ADDRESS:	Unit 61 Hillgrove Business Park Nazeing Road Nazeing Essex EN9 2HB
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Change of from class B1 Business to class D2 Assembly & Leisure (fitness studio).
DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577576

CONDITIONS

1. The fitness studio hereby permitted shall not be open to customers / members outside the hours of 06:00 to 21:00 on Monday to Friday, 07:00 to 16:00 on Saturdays and 07:00 to 14:00 on Sundays and Bank Holidays.
- 2 This consent shall inure solely for the benefit of the applicant Danny Fielder and for no other person or persons.

The committee considered that the business use in this case would not have an adverse effect on the character of the commercial area.

AREA PLANS SUB-COMMITTEE 'WEST'

18 November 2015

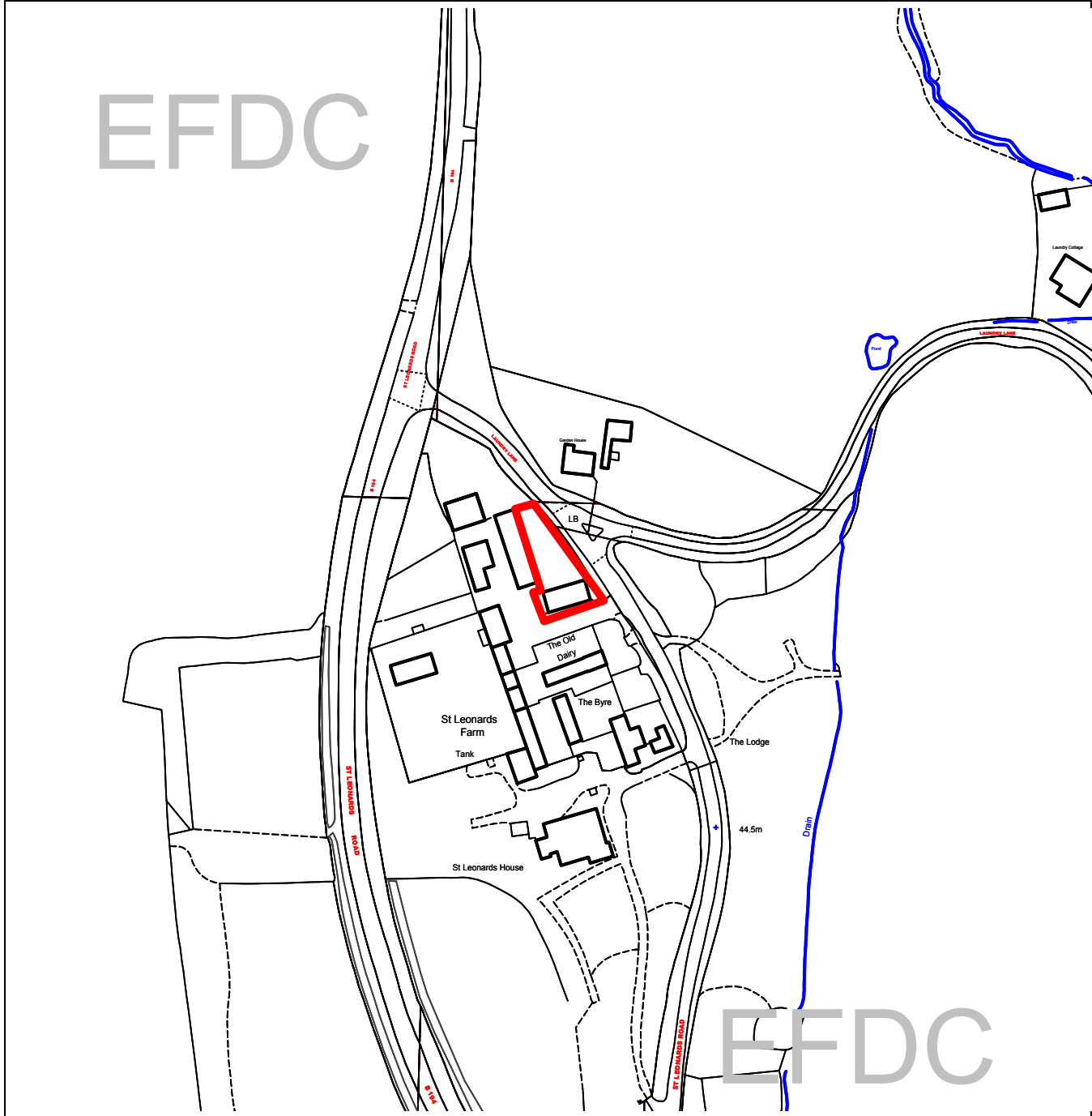
INDEX OF PLANNING APPLICATIONS

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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/1690/15
Site Name:	St Leonards Farm, St Leonards Road, Nazeing, EN9 2HG
Scale of Plot:	1/2500

Report Item No:1

APPLICATION No:	EPF/1690/15
SITE ADDRESS:	St Leonards Farm St Leonards Road Nazeing Waltham Abbey Essex EN9 2HG
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr William H Wood
DESCRIPTION OF PROPOSAL:	Re-siting of approved dwellings, removal of bay windows and single storey lean-to and change of window and door openings. (amended application to EPF/1908/13)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577676

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawing no: 2909/1B
- 2 The types and colours of the external finishes and the extent of the residential curtilages of the properties shall be implemented in accordance with the details previously approved under application EPF/1488/13, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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.

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.

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

Description of Proposal:

Partially retrospective consent is being sought for changes to the two replacement dwellings previously approved under EPF/1908/13. The proposed changes involve the re-siting of the proposed dwellings, the removal of the bay windows, the chimney, the projecting plinth and the single storey side projection on the eastern dwelling, and alterations to doors and windows.

Description of Site:

The application site previously contained a pair of semi-detached houses that were converted into a single dwelling and obtained consent in 2013 to be replaced with a pair of new semi-detached dwellings. This site is located on the former St Leonards Farm complex on the western side of Laundry Lane, Nazeing. The site is located within the Metropolitan Green Belt and the designated Lee Valley Regional Park.

Relevant History:

EPF/0363/98 - Change of use of farm building to dwelling and demolition of 4 farm buildings – approved/conditions 24/08/98

EPF/1432/04 - Change of use of redundant farm building to residential and removal of 4 no. buildings – approved/conditions 27/10/04

EPF/0413/07 - Conversion of existing outbuildings to dwelling – approved/conditions 26/04/07

EPF/0196/09 - Conversion of existing outbuildings to dwelling. Amendment to planning approval EPF/0413/07 to include demolition of rear outbuilding and two single storey extensions for rear – approved/conditions 09/04/09

EPF/0962/09 - Conversion of existing outbuilding to dwelling with minor amendments to planning approval EPF/0196/09 and demolition of part of rear outbuilding and erection of new store – refused 24/07/09

EPF/1908/13 - Removal of former pair of cottages and erection of replacement pair of cottages – approved/conditions 31/10/13

PN/EPF/0904/14 - Prior notification for proposed change of use of agricultural barn and animal shelter adjacent to south-west boundary of holding to a single dwelling house and curtilage – prior approval required and granted 10/06/14

EPF/0909/14 - Erection of double garage with office in roof space to include toilet accommodation – approved/conditions 12/06/14

Policies Applied:

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
GB2A – Development in the Green Belt
GB7A – Conspicuous development
GB15A – Replacement dwellings
DBE1 – Design of new buildings
DBE9 – Loss of amenity
RST24 – Design and location of development in the LVRP
U2B – Flood risk assessment zones

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

Consultation Carried Out and Summary of Representations received:

5 neighbouring properties were consulted on the application. Due to inconsistencies between the submitted plans and the development on site amended plans were later received and re-consulted on.

PARISH COUNCIL – Object. It appears to be a retrospective planning application because it is evident that the houses have already been built. The Council strongly objects to the application, on the following grounds:

- i) It is totally out of keeping with the other properties in the area
- ii) The properties have an adverse effect on the neighbouring properties
- iii) The applicant has totally ignored the terms of his original permission and has failed in many respects to comply with the approved plans
- iv) The council had raised no objection to the original plans as they were in keeping with the surrounding properties but would have most strongly objected to the revised plans if they had been produced originally

THE OLD DAIRY, ST LEONARDS ROAD – Object as this revised development is 1m higher than the previous approval, is 5m closer than that previously approved, the interesting architectural features previously proposed have now been removed, the use of buff bricks instead of yellow stock does not fit in with the surrounding area, since this development dominates their property and results in overlooking. It is considered important that sufficient car parking is provided for the dwellings and a suitable fence/hedge should be erected to shield the dwellings from the road.

ADDITIONAL COMMENTS ON REVISED PLANS – No material change to these so original objection remains. Consider that the plans do not accurately show the increased height or siting of the dwellings.

THE BYRE, ST LEONARDS BARNS, ST LEONARDS ROAD – Object as PVC windows and choice of bricks are not in keeping with local dwellings. Since the footprint and height of the new dwellings far exceed that previously demolished, the removal of architectural features alters the aesthetics of the houses and it now appears industrialised.

ADDITIONAL COMMENTS ON REVISED PLANS – Note the changes to the plans but do not alter the previous objection.

Issues and Considerations:

Planning consent was previously approved under EPF/1908/13 for the replacement of the existing two cottages with a pair of new semi-detached dwellings. However once construction commenced on site an enforcement investigation took place since it appeared that the siting of dwellings had

changed and the design and detailing did not fully comply with the approved plans. As a result of the investigation this amended application was requested.

Green Belt/LVRP:

Consent has already been granted for the erection of two dwellings on this site. As part of the enforcement investigations regarding this development two Planning Enforcement Officers visited the site and it is stated within their notes that *"the cottages, which are still under construction, were measured and found to be in fact shorter and narrower than those approved"*. Due to this it is not considered that the proposal would have any greater impact on the openness of the Green Belt or the LVRP than the previously approved scheme and therefore this amended proposal would not constitute inappropriate development within the Green Belt or be contrary to policy RST24.

Design:

The originally approved new dwellings were of a more traditional appearance with standard ridged roofs and detailing such as front porches, bay windows, a central chimney and a projecting plinth. This revised application continues to propose the front porches, which are considered to be important architectural elements, however the dwellings have been constructed without the bay windows, chimney and projecting plinth. The revised plan also excludes one of the single storey projections. The other alterations over the previously approved plans are relatively minor including changes to the size of the windows and their relationship with the eaves.

Despite claims from neighbours that the revised proposal has increased the height of the new dwellings, with one claim that these are now 9.27m in height, the structures have previously been measured by the Planning Enforcement team and confirmed to in fact be slightly shorter than the original approved scheme. This is further clarified through the process of 'brick counting'. The dwellings have been constructed from Ibstock stock bricks, as approved under 'approval of details reserved by condition' application ref: EPF/1488/14. By counting the number of bricks and calculating the size of each brick the eastern gable wall of the proposed dwellings works out as approximately 4.8m to eaves level and 6.5m to ridge. Once you include the additional height from the mortar and the roof covering this appears to roughly comply with the latest plans, which show an eaves height of 5m and a total ridge height of 7.1m including some 300mm+ in roof covering. As such it is not considered that the dwellings on site are any higher than those previously approved planning consent in 2013.

The National Planning Policy Framework states that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness"*. The surrounding area contains several dwellings such as Garden House, a yellow brick one-and-a-half storey detached dwelling with part submerged dormer windows, St. Leonards House, a large detached locally listed building finished with white render and slate roofed, and several properties formed from previous farm buildings including The Old Dairy, which is a yellow brick building directly opposite the application site.

Whilst the originally approved plans, with the traditional detailing from the projecting plinth and visual interest that resulted from the bay windows and chimney, are more visually appealing than these revised plans it is not considered that the revised proposal is excessively harmful to the area. The proposed revised dwellings are more plain and unadorned, however are not jarring or unduly detrimental to the character of the area. The overall appearance will be improved once the front porches are installed and the dwellings will appear less 'harsh' after the site is properly finished and boundary treatments are installed.

As such, whilst the neighbouring residents may prefer the previously approved plans it is not considered that the dwellings currently under construction would be harmful to the overall character and appearance of the area and therefore the revised plans continue to comply with the relevant Local Plan policies.

Neighbours amenities:

The revised dwellings have been constructed in a slightly different location to the previously approved scheme. As a result of this the two storey elements of the dwellings have moved approximately 3m to the east and a maximum of 3.5m to the south. As a result of this the upper storey windows are located closer to the boundary of The Old Dairy.

Whilst the relocation does result in a greater level of overlooking to this neighbouring resident the properties are still located some 7m from the boundary of The Old Dairy and approximately 18.5m from the neighbours dwelling. As such it is not considered that the revised dwellings would cause any significantly greater harm to the amenities of this neighbour than the previously approved scheme or the pair of dwellings that previously stood on this site.

Other considerations:

The pre-commencement conditions imposed on the previously approved application (regarding external materials and the extent of the residential curtilage) have been agreed through the submission of 'approval of details reserved by condition' application ref: EPF/1488/13. Therefore this decision should be conditioned to comply with these previously approved details.

Conclusions:

Whilst the revised scheme is not as visually appealing as the previously approved development and is located closer to the neighbouring property of The Old Dairy it is not considered that the alterations would be unduly detrimental to the character and appearance of the area or significantly increase the impact on the amenities of the neighbouring residents. As such the revised scheme continues to comply with the relevant Local Plan policies and the guidance set out within the National Planning Policy Framework and 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:

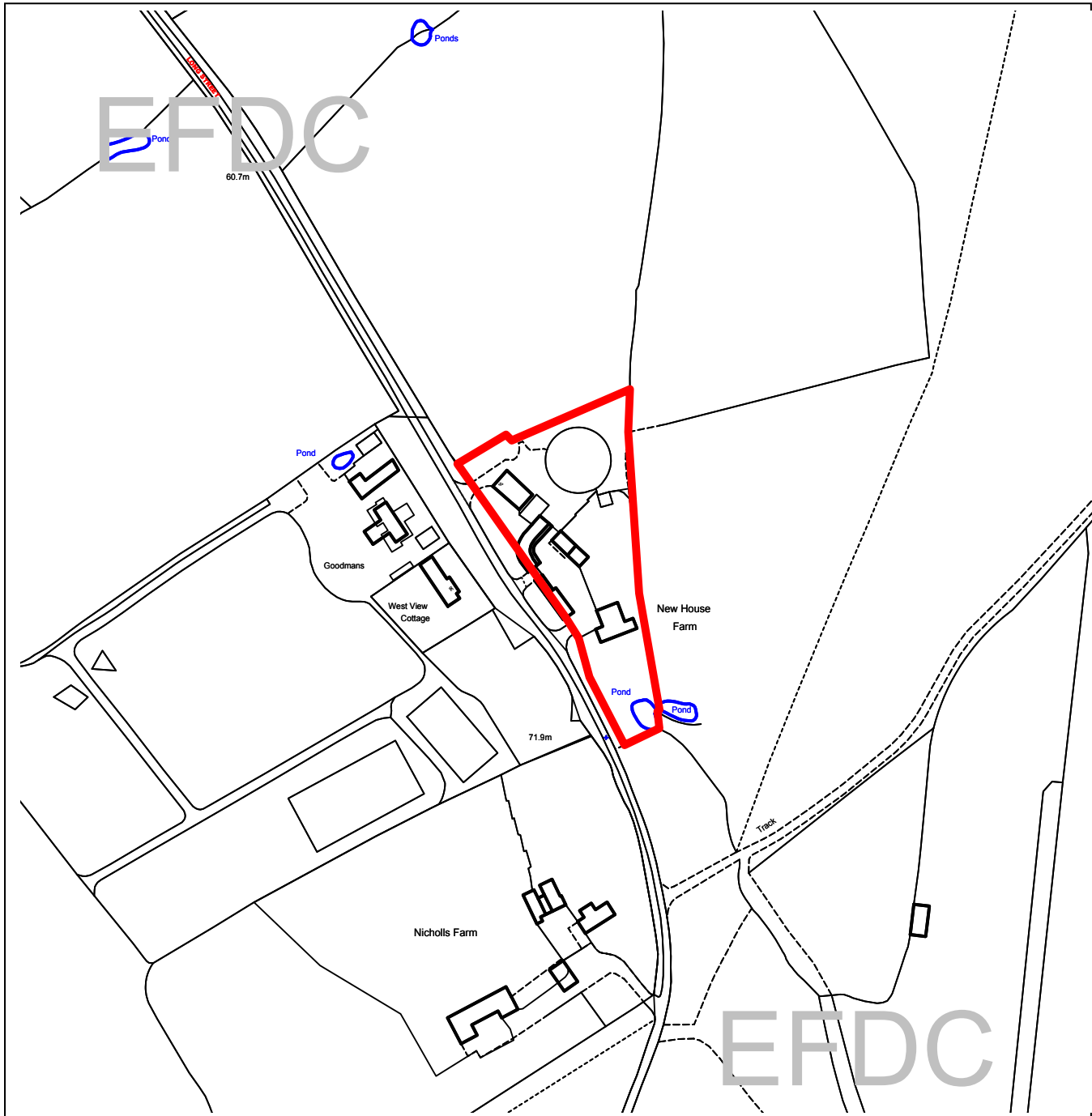
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1820/15
Site Name:	New House Farm, Long Street, Waltham Abbey, EN9 3TQ
Scale of Plot:	1/2500

Report Item No:2

APPLICATION No:	EPF/1820/15
SITE ADDRESS:	New House Farm Long Street Waltham Abbey Essex EN9 3TQ
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Alec Smith
DESCRIPTION OF PROPOSAL:	(i) Two storey side and rear extension and demolition of existing conservatory to southern elevation to form new re-modelled dwelling (ii) removal of pool building and garage bay (iii) closing of existing vehicle crossover and provision of new vehicle access (iv) extension to existing garage range (v) relinquish previous ancillary residential permission and link granted under EPF/1773/13 and permission for covered parking area under EPF/0467/15.
RECOMMENDED DECISION:	Refuse Permission (Householder)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=577948

REASON FOR REFUSAL

- 1 The proposed development would result in disproportionate additions over the original dwelling which would have a materially greater impact on the open character of the Metropolitan Green Belt at this location. The proposal is therefore considered an inappropriate development requiring very special circumstances to justify the harm. It is not considered that the case submitted amounts to very special circumstances and the development is therefore deemed contrary to national guidance contained in The NPPF and local plan GB2A.
- 2 The proposed development would result in a new building that by its scale, massing and general design would be out of character in a rural location failing to conserve the character and appearance of the countryside and detrimental to the special setting of the Upshire Conservation Area contrary to local plan policies CP2, LL1, LL2 and HC6 and national guidance contained in the NPPF.

This application is before this Committee since it has been 'called in' by Councillor Stavrou (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

Description of Site:

The application site contains a large detached dwelling which has been extended in the past. The house is set in substantial grounds and contains a large collection of ancillary outbuildings including stables. The site is located on Long Street in Upshire which although including some other residential properties is largely in open countryside. The entire site is within the Metropolitan Green Belt and is also in close proximity to the Upshire Conservation Area. The submitted site plan includes another residential building, a weatherboarded structure, which it is understood is occupied by the applicant's mother.

Description of Proposal:

The applicant seeks consent to extend the existing dwelling to the rear over two storeys. In effect a new structure would be created on site as the aesthetic appearance of the building would significantly change. The new structure would be a square floor plan with a fairly shallow flat topped hipped roof. The building would be Georgian inspired with a projecting front porch. A new access would be created onto Long Street with a newly arranged vehicle turning area. The orientation of the dwelling would change with the front elevation now facing south and the flank elevation facing the roadway. The plans indicate that some of the ancillary outbuildings would be demolished in lieu of the new additions and new constructions that benefit from extant permissions would be relinquished.

Relevant History:

The site has an extensive history, the most relevant for this application being:

EPF/0576/94 – Conversion of a barn and stables to two dwellings with garden areas.- Approved.
EPF/0446/98 - Single storey side extension – Approved.
EPF/0076/05 - Single storey rear extension with pitched roof. Approved.
EPF/1492/05 - Two storey extension – Refused.
EPF/0451/06 – Covering roof over parking area in courtyard – Approved.
EPF/2001/07 - Conversion of existing stables to residential use and single storey link extension to adjacent house – Approved.
EPF/0221/09 - Covering roof over parking area in courtyard – Approved.
EPF/2063/10 - Conversion of existing stables to ancillary residential use and erection of single storey link extension to house. (Resubmitted application of EPF/2001/07) –Approved.
EPF/0336/12 - Covering roof over parking area in courtyard – Approved.
EPF/1773/13 - Conversion of existing stables to ancillary residential use and erection of single storey link extension to house. (Renewal of planning permission EPF/2063/10) – Approved.
EPF/0467/15 - Erection of covered parking area (Renewal of planning approval EPF/0338/12) – Approved.

Policies Applied:

Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy GB2A - Development in the Green Belt
Policy GB7A – Conspicuous Development
Policy DBE4 – Design in the Green Belt
Policy DBE9 – Loss of Amenity
Policy DBE10 – Design of Residential Extensions
Policy HC6 – Character, Appearance and setting of Conservation Areas
Policy ST4 – road safety
Policy ST6 – Vehicle Parking
Policy LL1 – Rural Landscape
Policy LL2 – Inappropriate Rural Development

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

SUMMARY OF REPRESENTATIONS:

3 neighbours consulted and site notice displayed – 3 replies received.

NICHOLLS FARM: Support. The proposed dwelling is befitting the area.

GOODMANS: Support. The house is an improvement on the current property.

WESTVIEW COTTAGE: Support. The house is an improvement on the current property.

WALTHAM ABBEY TOWN COUNCIL: No objection

Issues and Considerations:

The main issues to consider are potential impact on the Green Belt, design and the sites location adjacent to a Conservation Area, amenity and the planning history of the site.

Green Belt

The site has a large amount of buildings on it and a long planning history relating to the development, alteration and use of these buildings. Local and national policy permits the proportionate extension of residential dwellings. Therefore a good starting point is the existing dwelling. This house has been extended a number of times in the past. In 2005 consent was refused for a two storey extension owing to the cumulative impact of additions on open character and its conflict with Green Belt policy. The Officers Report at the time concluded that an approval of this scheme would result in an increase of 235% over the original dwelling. This was unjustifiable. This proposal would add at least the same volume of the 2005 refused scheme so under any analysis of extensions to a dwelling in the Green Belt what is proposed is clearly disproportionate and contrary to national and local policy where even an increase of circa 70% is considered large.

In order to compensate for the increased volume of built form the applicant proposes to demolish some existing built form on site and relinquish existing permissions. In terms of built form the permission granted under EPF/1773/13 this involves link between two of the ancillary structures. There would be no removal of the other buildings. The plans also indicate that a small pool building would be removed in lieu of the new dwelling. A covered parking area approved under a number of previous applications, the last one being EPF/0467/15, would not be implemented. This would also link to sections of outbuilding together.

The issue is whether the removal of this built form would suitably compensate for the additional bulk added to the dwelling. The proposed buildings for removal, either constructed or forming part of extant permissions, are generally low set and form part of a collection of single storey structures. It is difficult to accept that these low set buildings would justify the further increase of a building which has been extended disproportionately. It must also be stated that any approval should be subject to a Legal Agreement which would secure the removal of these buildings. However it is considered that the removal of some low set minor structures does not justify a significant addition to an already over extended dwelling. The subject buildings would be seen in the context of a collection of ancillary buildings and such a replacement in lieu cannot be justified. Whilst it is stated that there would be a reduction in residential properties at the site in truth the

extant permissions relate to ancillary accommodation and any minor reduction in traffic movements is not seen as justification for this scheme. As stated the actual quantum of development relating to the conversion schemes would not change materially.

Design and Appearance

The building is located at a fairly open location within the Green Belt and adjacent to the Upshire Conservation Area. The proposed new dwelling would be a fairly prominent addition to the area and much more visible than the existing building. The character of the immediate area is very rural in nature with a scattering of farmhouses, cottages and outbuildings (barns, stables etc...). The concern is that at this location a Georgian style large dwelling would be out of character within a rural landscape and within the setting of a conservation area. As stated, whilst there are some larger dwellings in the vicinity they tend to be farmhouses or former farmhouses and converted former agricultural buildings. A dwelling of this style, scale and massing would be out of character and unexpected in a rural setting. The proposed dwelling would fail to preserve this special setting and would fail to conserve or enhance the character of the countryside. The new dwelling would be a prominent feature within the landscape failing to respect the general character of the area. The proposed scheme is considered contrary to policies CP2, LL1, LL2 and HC6.

Amenity

There are no immediate neighbours of this development and therefore no concerns about amenity.

Highways

The new access on to an unclassified road raises no issues of concern.

Land Drainage

The applicant has no proposal to dispose of surface water. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required.

Way Forward

The dwelling has already been significantly extended and in that respect it is difficult to envisage a way forward which would not be contrary to policy and clearly justifiable. The house has been extended to the upper limits of what is generally considered acceptable.

Conclusion:

The proposed development would have a materially greater impact on the Green Belt and further additions could not be considered proportionate. The scheme is therefore contrary to national and local planning guidance on extensions to Green Belt dwellings and as such is an inappropriate development. It is not considered that the suggested planning gains justify the development. Furthermore the proposed scheme would be out of character in this location causing harm to the setting of the Upshire Conservation Area and the rural landscape. It is therefore recommended that consent is refused for these reasons. Should members be minded to grant consent it is respectfully suggested that this should be subject to a Unilateral Undertaking agreeing the planning gains alluded to and a condition removing permitted development rights for outbuildings.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

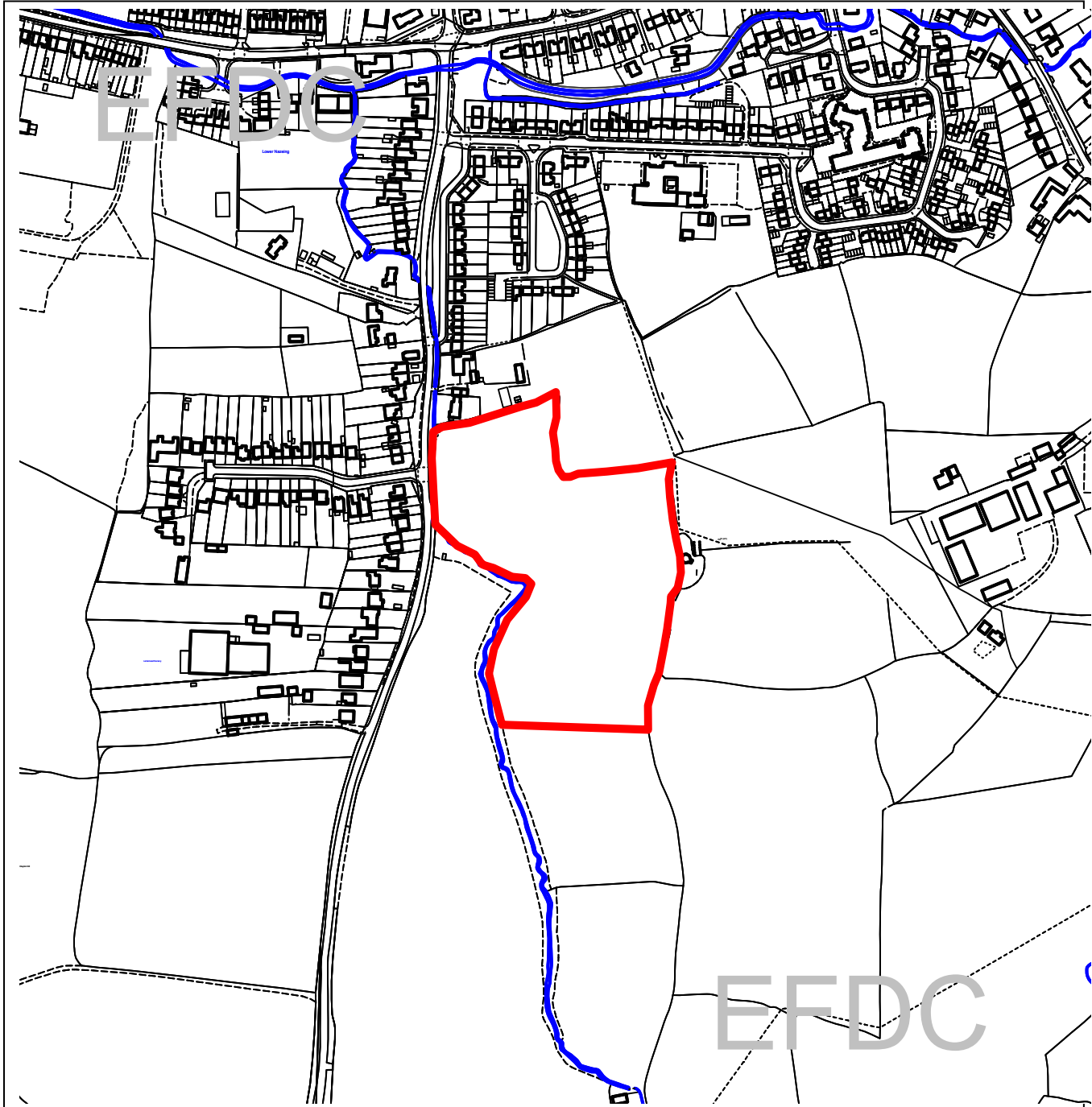
Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336

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



Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2009/15
Site Name:	Land off St Leonards Road, Nazeing, EN9 2HN
Scale of Plot:	1/5000

Report Item No: 3

APPLICATION No:	EPF/2009/15
SITE ADDRESS:	Land off St Leonards Road Nazeing Essex EN9 2HN
PARISH:	Nazeing
WARD:	Lower Nazeing
APPLICANT:	Mr G Abella
DESCRIPTION OF PROPOSAL:	Construction of 7no. 2-bed, 26no. 3-bed, 9no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 18 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitch and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; and landscaping
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578373

REASON FOR REFUSAL

- 1 The proposal represents inappropriate development in the Metropolitan Green Belt which by definition is harmful to the objectives of including land in the Green Belt and is therefore at odds with Government advice contained in the NPPF and policy GB2A of the adopted Local Plan and Alterations for which no very special circumstances sufficient to outweigh the very significant harm to the openness of the area and any other harm have been demonstrated.
- 2 The proposal would result in an unsustainable form of development outside existing urban areas and is not well served by public transport or local services, and would therefore result in an increase in reliance on private motor vehicles contrary to the guidance contained within the National Planning Policy Framework and policies CP1, CP3, CP6 and CP9 of the adopted Local Plan and Alterations.
- 3 Insufficient information has been submitted in order to make an informed decision on the impact of the proposed development on the landscape at this location. The levels plans do not cover the whole site, no contour plans have been submitted (existing and proposed showing level changes and a ground Remodelling Proforma are necessary. It has not therefore been demonstrated that the proposed development would conserve, enhance or respect the character of the landscape contrary to policies LL1 and LL2 of the adopted Local Plan and Alterations and national guidance in the NPPF.
- 4 Notwithstanding the above reason to refuse consent and based on the submitted information it is considered that the proposed development would have a detrimental

impact on the character and appearance of the countryside for which no special demonstration of need has been put forward. The proposed development is therefore contrary to Local Plan and Alterations policies LL1, LL2 and LL10 and national guidance in the NPPF.

- 5 The proposed mix of housing would result in an unsatisfactory blend of affordable and market housing with the majority of smaller units affordable. The proposed development is therefore contrary to national guidance and Local Plan and Alterations policy H7A.

This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))

Description of Site:

The application site is located to the south of the junction in Nazeing and just where the built form of the village ends. This is an expansive site and is entirely within the boundaries of the Metropolitan Green Belt. The site is accessed from an existing accessway onto Saint Leonard's Road. Only the northern boundary of the site is bordered by residential properties, a site which contains a large detached dwelling known as Cranbrook. The area of the site closest to the road is largely flat and it rises steadily further in. The land is characteristically arable farmland. The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the 'Lower Nazeing fringes' and describes it as comprising of an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows.

A Public Right of Way (PROW) Footpath No13 passes through the site and along its eastern fringe heading towards the local primary school. The site is a short walk from Nazeing Parade which provides a limited range of typically village facilities including corner shops. The site lies within an Epping Forest District Council flood risk assessment zone but is not within Environment Agency Floodzones 2 or 3. The site includes features which could potentially provide habitat for various animal species such as hedging, scrubland and grass. A brook runs along the western boundary of the site adjacent to the road. Part of the site falls within the "Naz B" area in the 2012 Issues and Options Consultation Document.

Description of Proposal:

This is a revised application following the withdrawal of a similar scheme late last year (EPF/0202/14) for the following development;

"The applicant seeks consent to construct 45 dwellings in the north east corner of the site. It is proposed that 16 dwellings would be affordable. The housing element would include a mix of two, three and four and five bed dwellings and also a range of detached, semi detached and terraces. All dwellings would be two storey. The dwellings would be served by private amenity areas and parking facilities.

To the south of the proposed housing it is proposed to construct a large multi purpose hall with associated parking. The building would include changing facilities, meeting rooms and a basketball court. It is also proposed within the submission to provide parking facilities for the local school with a drop off point and access leading to the school along the public footpath. Further to the south of the proposed hall five sport pitches would be constructed (football and rugby pitches")

This scheme differs in that the number of sports pitches has been reduced from five to one. The overall layout of the housing has also been altered but not materially so and there would be a slight change to the mix of sizes with one more two bed and one less four bed. Two additional affordable units making a total of 18 would be provided.

Relevant History:

EPF/0202/14 - Construction of 6no. 2-bed, 26no. 3-bed, 10no. 4-bed and 3no. 5-bed houses (45 dwellings in total, including 16 affordable homes), with associated off street parking and amenity space; construction of multi-purpose hall with associated sports pitches and car parking; new access onto St Leonards Road; drop off/pick up car parking for Primary School; and landscaping. Withdrawn – 15/12/14.

Policies Applied:

CP1- Achieving Sustainable Development Objectives
CP2 - Protecting the Quality of the Rural and Built Environment
CP3 - New Development
CP4 - Energy Conservation
CP5 - Sustainable Building
CP6 - Achieving Sustainable Urban Development Patterns
CP7 - Urban Form and Quality
CP8 – Sustainable Economic Development
CP9 - Sustainable Transport
GB2A – General Restraint
GB7A – Conspicuous Development
RP4 – Contaminated Land
U2B – Flood Risk Assessment Zones
U3B – Sustainable Drainage Systems
DBE1 – New Buildings
DBE2 – Impact of Buildings on Neighbouring Property
DBE4 – Design and Location of New Buildings within Green Belt
DBE5 – Design and Layout of New Development
DBE6 – Car Parking in New Development
DBE7 – Public Open Space
DBE8 – Private Amenity space
DBE9 – Amenity
H3A - Housing Density
H4A – Dwelling Mix
H5A - Affordable Housing
H6A - Site Thresholds for Affordable Housing
H7A - Levels of Affordable Housing
H8A – Availability of Affordable Housing in Perpetuity
H9A – Lifetime Homes
NC4 – Protection of Established Habitat
LL1 – Rural Landscape
LL2 – Resist Inappropriate Development
LL3 – Edge of Settlement
LL10 – Retention of Trees
LL11 – Landscaping Schemes
ST1 - Location of Development
ST2 - Accessibility of Development
ST3 – Transport Assessments
ST4 – Road Safety

ST6 – Vehicle Parking
ST7– Criteria for Assessing Proposals (new development)
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

SUMMARY OF REPRESENTATIONS:

NAZEING PARISH COUNCIL: No Objection. However if consent is granted the applicant should comply with the following conditions at the applicant's expense;

1. Affordable housing to be for residents of Nazeing
2. Address flooding in the general area as well as in Nazeing
3. Modification of the sewage system to cope with the development
4. Provision to be made for a memorial to children killed at this location in a bombing raid during WWII
5. Address traffic calming requirement with the possible introduction of a roundabout
6. Introduce a new footpath towards the school and Nazeing Crossroads
7. Infrastructure and community building to be constructed prior to the housing
8. The land not to be built on to be gifted to the Parish Council for use as a wildlife sanctuary
9. Installation of an outdoor gym
10. Introduction of new screening to the front of the site
11. Investigate the possibility of locating a Post Office in the new community hall

The application was widely advertised; with 403 neighbours directly consulted, four site notices displayed adjacent to the site/within the village and an advertisement placed in the local newspaper.

Objections: Approximately 70 letters of objection were received from properties in the immediate vicinity of the site and the wider Nazeing area. The comments made can be summarised as follows:

- The development is on Green Belt land and is contrary to the purposes of maintaining a Green Belt, in that it will result in encroachment into the countryside. The land has recently been used for growing crops. Brownfield sites should be developed first.
- Concern that development will result in the overlooking of a neighbouring property and that some of the new properties will be overlooked.
- Concern that the increased run off will exacerbate flooding issues when the brook along the road overflows. The main sewer along the road has already been damaged and is stretched to capacity. Concern that this development is proposed on a flood plain.
- Concern that the proposed access onto the highway will be inadequate. The development will result in a staggered junction with Tatsfield Avenue. St Leonards is a very busy and dangerous road and despite the written report, traffic is exceptionally bad at peak periods and there are long delays.
- Concern about potential impact on protected species and local wildlife.
- The proposed development will put intolerable pressure on the local roads network. The infrastructure of Nazeing is not sufficient to take such a development. There is no pavement from the development to the local shops and getting there involves crossing a dangerous road. The road is too narrow and dangerous for another access.
- The local area is already well served by community/sporting facilities and this aspect of the scheme is not needed. The community facility will lead to a marked increase in traffic in the village.

- The proposed parking for the school is too far away to be of any use and involves the use of a PROW which is not suitable. The path is in a poor state and unsuitable for use by parents with children. The path would be treacherous in winter.
- A Public Right of Way across the site will be stopped up.
- The school may not have the capacity to deal with a further intake. Local schools and Doctor's Surgeries are full. The infrastructure of the village could not cope.
- Concern about the need for floodlighting and a beautiful hillside would be decimated.
- This is purely a money making venture which will spoil the village.
- Assurances would be needed that the sports pitches are built and not negotiated down as a second phase.
- This is a poor location for the development
- The positioning of the pedestrian crossing is fundamentally unsafe and highly dangerous due to the combination of vehicle speed, poor visibility to the south and close proximity to the two side turnings.

Issues and Considerations:

There are a number of issues to consider with regards to this development, and a large number of consultees responses to assess, chief among these is; The principle of this development having regard to national and local planning policy, the supply of housing/affordable housing in the district, the site's location in the Metropolitan Green Belt, the characteristics of the development, potential impact on the landscape/trees/hedgerows/ vegetation, access to the site, land drainage, the existing habitat and the comments of all consultees.

Principle of the Development/Green Belt

Paragraph 89 of national policy contained in the NPPF lists the instances when new buildings within the Green Belt need not be inappropriate. It is clearly evident that a development of this nature is inappropriate development and as outlined in Paragraph 87 should only be approved except "in very special circumstances". The starting point for this scheme is therefore that it is inappropriate by definition and only a very special circumstances argument would justify an approval. The applicant has put forward such an argument and this can be summarised as follows;

- Policy Vacuum/No five year housing supply
- Propose affordable housing element
- Proposed multi purpose hall/sports pitches
- Proposed primary school parking

Policy Vacuum/No Five Year Housing Supply

The first very special circumstance is that as the Council does not have an adopted Local Plan in place and as such there is a policy vacuum. As of March 2013 local plan policies can be afforded weight according to there degree of consistency with the NPPF. The greater the consistency the more weight the policy can be given. However there is no policy vacuum. Where the Local Plan is silent on an issue reference is made directly to the NPPF.

The NPPF, at paragraph 47, requires Local Planning Authorities;

To boost significantly the supply of housing, Local Planning Authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and

- set out their own approach to housing density to reflect local circumstances.

Whilst the Council has a recently identified Objectively Assessed Housing Need (OAHN) figure this will not necessarily be the same as the Local Plan housing requirement figure. This is because the Council now has to do further work considering factors such as capacity in terms of strategic constraints, other Evidence Base information, the Council's policy aspirations, and also how to apportion need over the Housing Market Area i.e. between Epping Forest DC, East Herts DC, Harlow DC & Uttlesford DC. It is up to Members of the four authorities to discuss this apportionment through the Duty to Co-operate. Whilst the Council does have a supply of housing sites (through extant permissions), we are unable to assess whether this is sufficient to amount to a 5 year supply, as the Council still does not yet have an adopted housing requirement. Therefore a final figure to calculate housing supply does not exist. For the purposes of decision making and with reference to requirements in the NPPF a five year supply of deliverable sites cannot be demonstrated.

In any case Central Government, through the National Planning Policy Guidance (NPPG) Document has provided direction at Paragraph 34. This states that "*Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt*". It is not therefore considered that the issue of unmet need, if proven to be the case, would constitute a very special circumstance sufficient to outweigh the harm to the open character of the Green Belt which would clearly result in this instance.

In line with the NPPF, the Council are reviewing Green Belt boundaries and accept that some Green Belt land will have to be released to meet future development needs – but this should be done through the Local Plan review process which looks at the entire district rather than on an individual settlement or site basis.

Proposed Affordable Housing

It is stated within the submission that 18 of the 45 units would be affordable houses and that this amounts to a very special circumstance. This amounts to 36% affordable. Local Plan policy H7A requires that in settlements with a population of 3,000 or more dwellings, as like Nazeing, a provision of 40% affordable will be sought. The Housing Directorate of the Council, whilst content with the provision, have stated that the property mix for the affordable housing needs to reflect the

property mix of the market housing, in terms of the ratio of 2, 3, 4 and 5 bedroom properties. It is suggested that the scheme should be altered to increase the number of houses allocated for affordable housing so that 40% of the overall number of bedrooms across the development are provided within the affordable rented homes. Members will have to determine if they are content with the current mix which has a greater proportion of the affordable housing as smaller units.

On the issue of this amounting to a very special circumstance, 40% is the minimum requirement to make this application acceptable with regards to local housing policies. Often within the district 80% has been put forward as a very special circumstance to overcome harm to the Green Belt. This was the case at Knolly's Nursery in Pick Hill, Waltham Abbey (EPF/1162/15). It is not therefore considered that a policy compliant level of affordable housing amounts to a very special circumstance.

Proposed Multi Purpose Hall/Sports Pitch

The number of sports pitches has been reduced from five to one for this scheme. The submission indicates that no such facilities exist in Nazeing and is considered of real benefit to the local community.

Case Law on decisions such as "*Timmins 2014*" and "*Fordent Holdings 2013*" has clearly established that the change of use of land, such as to provide sports pitches, in the Green Belt under the NPPF is an inappropriate development requiring a very special circumstances argument. In order to meet this requirement a clear demonstration of need would be required.

It is evident that need to some degree is currently met by Bumbles Green Hall which includes playing pitches. The application is light on supporting information and what, if any, consultation has taken place with local stakeholders which establishes the need. Sport England have commented on the scheme, similarly to the previous scheme in stating that to overcome the very special circumstances hurdle need must be clearly demonstrated. It is suggested that in relation to the sports hall any assessment should look at the adequacy, or inadequacy, of existing facilities. This should be carried out in conjunction with local stakeholders such as the Parish Council and community/sports organisations in the area.

Sport England has consulted on the provision of the football pitches. This has found that the village is home to 1 football team, Nazeing Youth FC, who currently play at Bumble's Green. This facility is considered inadequate, although there is no evidence of the club being approached to take up the facilities proposed at this site. The Essex County FA consider that the club needs additional facilities due to the limited provision at their existing site but advocate that this club be approached as the key user of any new facility and that the sport pitch facilities are designed around their needs to ensure that if the pitch and changing facilities are implemented that they are responsive to the club's needs. Regardless of the needs of this club such an element of the proposal would struggle to amount to a very special circumstance to justify a development of 45 dwellings on a greenfield site in the Metropolitan Green Belt.

As has been previously said on the previous scheme it seems that greater research is needed including consultation with local stakeholders to make a case for what, under both aspects, the change of use of land to sports use and an indoor sports complex are inappropriate developments in the Green Belt. It is not considered that a clear demonstration of need has been provided and as such these elements of the scheme represent inappropriate development for which no very special circumstances have been demonstrated.

The design of the proposed building may also need reworking in order to be of a suitable size and standard. Furthermore it is unclear who would fund and maintain the facilities and this is something which would need clarity if this inappropriate Green Belt development is to be considered appropriate.

Primary School Parking

In a similar vein to the above analysis no evidence has been provided of the need for additional parking for the nearby school. This element of the scheme also constitutes an inappropriate form of Green Belt

development. Furthermore the proposed drop off would involve a 500m walk to the school across an unpaved Public Right of Way and there must be some scepticism that, even if a need is established, will the proposed facility be utilised? Much of the path to the school is across third party land and therefore its physical improvement could not be guaranteed. The pathway would perhaps provide an unsuitable means to reach the school, particularly in winter months.

Summary of the Case for “Very Special Circumstances”

In summary, it is not considered that a case for very special circumstances exists such to justify what is in principle inappropriate Green Belt development. Central Government has outlined that on the single issue of unmet need this should not outweigh the harm to the open character of the Green Belt. It has also been clarified that the best way to release Green Belt land to meet housing need is through the plan making process. The scheme currently provides, in terms of local policy, the minimum level of affordable housing and this cannot be deemed a special circumstance notwithstanding the desire to bolster the local supply of such dwellings. Furthermore the proposed mix needs altered to reflect a more balanced blend between affordable and market housing in terms of size.

The provision of the sports pitch and indoor sports facility are inappropriate in the Green Belt and only deemed acceptable in very special circumstances. In the absence of any demonstration of need as outlined above the case has not been made. This is similarly true of the proposed school parking. It is therefore considered that a case for very special circumstances, sufficient to outweigh the harm to the open character of the Green Belt, has not been made with this submission.

Details of the Proposed Development

Character and Appearance/ Landscape Character/Topography

The EFDC Settlement Edge Landscape Sensitivity Study (Chris Blandford Associates 2010) places the area (including this site) within the ‘Lower Nazeing fringes’. This describes the landscape setting as comprising of an undulating patchwork of small to medium sized predominantly arable fields that are delineated by mature hedgerows. It notes that the ‘urban gateway’ to the south of the site (ie along the B194) marks a transition zone between the predominantly rural landscape and the start of the village. The site subject to this proposal is on a visually significant slope, with a ‘key pedestrian route’ passing east – west through the site.

The site falls along the western edge of landscape setting area ‘3’ within the Lower Nazeing fringes. In terms of sensitivity of the landscape setting this area is considered to make a ‘positive’ representation of typical character of the area (none of the other landscape setting areas with the Lower Nazeing fringes are rated as high), and has a high overall landscape character sensitivity.

In terms of visual sensitivity the area is moderate, with a moderate grading for overall sensitivity to change. The recommendation is that those landscape areas identified as ‘high’ or ‘moderate’ overall sensitivity are desirable to safeguard in landscape terms and considered to have a significant role in contributing to the structure, character and setting of the settlement (ie Lower Nazeing).

The submitted information makes it difficult to determine clearly the impact of the development on this landscape. No levels plan has been submitted for the entire site including the area where the football pitches are proposed. A contour plan showing existing levels, proposed and the degree of change is also deemed necessary. Information with regards to the proposed status for the Public Right of Way and any ground remodelling required would also be of use. It is therefore considered that a fully informed assessment on impact on the landscape cannot be made. The detailed information as highlighted above has not been forthcoming.

The proposed development of 45 dwellings will inevitably have an urbanising impact on this edge of settlement and would be prominent to views from around the village and its environs. Such developments will by their nature impact on the existing landscape and the setting of a village.

Local plan policies on the rural landscape require that new development conserves and enhances its character and respects the setting. As is highlighted above the area of the site is sensitive to change and its character will be wholly altered. It has also been stated that it is the Local Authorities position that the release of Green Belt land for housing should come through the plan making process. As part of that process issues such as landscape sensitivity will be factored into any designation. It may be that any future need for what is proposed here could be met on less sensitive sites and to a more reduced level. As stated such matters are best considered strategically. It is therefore concluded that the proposed development would have an adverse impact on a landscaping which is sensitive to change and its scale and visual prominence would be visually intrusive and harmful to the rural character of the area.

Accessibility

The Council's Settlement Hierarchy places Nazeing in the second lowest category (town, large village, small village, hamlet) in the district, based essentially on an analysis of the services and facilities within the settlements. It is therefore a small rural settlement with limited services and facilities compared to the larger settlements in the district. This raises questions about the suitability of much additional housing development at this location, ie occupants of the new houses will be reliant on private transport for journeys to work, secondary schools, main shopping trips etc.

The village provides limited opportunities to access a range of day to day facilities including a railway station or large superstore. The nearest facilities along these lines are some two miles away at Broxbourne. This would however require a journey by bus and would be inaccessible to most by foot. The site cannot be seen as a location for residential development on this scale that is sustainable in accessibility terms. The distances from, and options for reaching day to day facilities and services are likely to discourage sustainable patterns of movements and would instead lead to reliance on the private car.

There is therefore a concern that this area is not suitable for larger residential developments, particularly developments which would include a large amount of affordable housing. The proposed development would increase the need to use the private car to reach a whole range of day to day activities; shops, places of employment and health services etc. It is therefore considered that the proposed development is contrary to local plan policies CP1, CP3, CP6 and CP9 which aim to guard against the increased need to rely on the private car (CP1), that development is accessible by existing, committed or planned sustainable means of transport (CP3), that new housing is concentrated within existing urban areas (CP6) and making the fullest use of existing urban areas for new developments before locations within the Green Belt (CP7).

The Framework recognises three strands to sustainability, economic, social and environmental. Whilst it would be difficult to argue that the redevelopment of this site would not fulfil an economically sustainable role, it is considered that such a development would not be environmentally or socially sustainable. The proposed redevelopment of the application site would provide additional housing within the District, including affordable housing provision, but it is not considered socially sustainable to locate a large housing development so divorced from basic service provision requiring a heavy reliance on private car use. Paragraph 7 also outlines how the planning system needs to mitigate and adapt to climate change and a development of this nature would struggle to fulfil this aim. Paragraph 8 states that these roles are mutually dependent and should not be undertaken in isolation and that all three should be achieved jointly. This would clearly not occur in this instance.

Archaeological Advice from Essex County Council

The Essex Historic Environment (HER) Record shows that the proposed development lies within area with archaeological potential. The site lies to the south-east of the historic settlement of Nazeing Bury (now Lower Nazeing). Within the development area is the sites of a World War II pill-box and anti-tank blocks (EHER 10092 and 10093). The 1777 map of Essex shows the route of a former road from Perry Hill to St Leonard's Road, bisected the site, such roads usually serviced settlements and medieval activity within the development area is a possibility. In addition recent fieldwork to the west, comprising the excavation of 32 cremation burials have established the presence of prehistoric activity in the Nazeing area.

The site has therefore got archaeological potential for multi-period remains. Archaeological deposits and features are both fragile and finite, and therefore any future works should not be undertaken until a full archaeological survey had taken place.

Ecology

A Phase I Ecological Survey has been submitted which has been assessed by both the Council's Countryside Section and Natural England. Both conclude that the development could proceed with appropriate conditions and if recommendations advised in the submitted Habit Survey are adhered to.

Design and Layout

In design terms the proposed scheme will be a stand alone development and as such it is more important that the dwellings create a harmonious streetscene as opposed to conforming to existing dwelling designs. As it stands however the proposed bulk and scale of the houses would not be out of keeping with the general built form around Nazeing. The scheme includes a good mix of dwelling styles with a varying roofscape and mix of materials. The agreement of good quality materials should ensure an acceptable finish to the buildings and generally this development would not detract from the character of the area in design terms. Indeed as a stand alone housing development the buildings are well designed.

The proposed community hall is in the style of a large traditional barn. Again the use of good quality materials should ensure a suitable finish to this building and its design is considered acceptable.

The dwellings are arranged in a series of cul de sac's which branch off a main road through the development. Parking would be provided by garaging and in communal parking courts, in rows to the front of the terrace housing. If the rows of parking spaces were replicated over the entire development this would result in a very parking dominated scheme. In this instance it is only on one branch off the main road and can be accepted in contributing to meeting the parking requirements of the development. Some of the garden areas are below the local standards of 20 sq m per habitable room. For example some of the three bed terracing is served by garden areas of approximately 40 sq m when the standards would require 80 sq m. However it is accepted that this is a greenfield site and an attempt has been made to constrain the spread of development where possible. In terms of public amenity space the proposed playing fields would compensate for the under provision, in some cases, of private amenity space.

Amenity

The proposed layout would provide a reasonable level of amenity for future occupants with adequate privacy and appropriate conditions can ensure this. There is only one immediate neighbour of the development located at Cranbrook. Concern has been expressed about overlooking from the development into this property resulting in a loss of amenity. Rear elevations of the new dwellings retain a gap of circa 20.0m to the common boundary and this is an adequate distance to guard against overlooking or loss of privacy. It is also stated that an existing balcony/terrace on the rear elevation of Cranbrook will result in overlooking of the proposed rear garden areas. There is undoubtedly the potential for overlooking from the balcony but there is also the option of future occupants planting screening on the boundary and the balcony is located off the boundary. This is an existing scenario and is more a case of future occupants being aware of this

potential issue. However the existence of the balcony would not be a strong enough reason to refuse consent for the development.

Highways/Parking

Some local residents have expressed concern about road safety with regards to this development. Essex County Council Highways Division has been consulted on the scheme and provided comments. The advice generally concludes that this development could proceed without undue risk to highway or pedestrian safety at this location.

The Highway Authority has visited the site on several different occasions and thoroughly assessed the submitted transport information and has concluded that the proposal is not contrary to National/Local policy and current safety criteria.

The applicant has submitted a Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development will be minimal on the highway in the vicinity of the site and on the wider network. The junction will have appropriate visibility for the speed of the road as will the proposed uncontrolled crossing points across St Leonards Road. Consequently the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency.

The public's rights and ease of passage over public footpath no.13 Nazeing shall be maintained free and unobstructed at all times. The proposal as submitted allows for the public's right of passage along it.

Land Drainage

A number of objection letters have expressed the concern that an approval of this scheme would result in an increase in flooding and flood risk in the area. It is stated that Saint Leonard's Road has flooded in the past. Both the Council's Land Drainage section and the Environment Agency have been consulted on the proposed development. Both consultees are of the view that the development would not lead to an increase in flooding in the area having regard to the submitted Flood Risk Assessment. The site is not within EA designated Floodzones. A condition ensuring that the development is carried out in accordance with the submitted assessment is deemed necessary. A condition agreeing details of means to discharge surface water are is also necessary. Land Drainage Consent is also required. The EA also require that an 8.0m buffer zone is retained to the watercourse along the western boundary of the site. However all such matters can be dealt with by conditions. It has been suggested by local residents that the existing sewage system could not cope with further pressure; however Thames Water have no objections and have raised no issues with this scheme subject to a Grampian style condition agreeing a drainage strategy for the site. .

Contamination

As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

Essex County Council (Education) Comments

Any approved scheme of this nature will require a financial contribution, secured through Section 106, to meet the need for further school places that would be generated by the proposal. The figure that Essex County Council has generated amounts to £257,293. This would be necessary to make the development acceptable in planning terms and passes the test for a Legal Agreement as outlined at paragraph 204 of the NPPF.

NHS England Comments

The following response has been received from the NHS;

“Thank you for Consulting NHS England and NHS Property Services on the above planning application. We have identified that there is currently capacity within the GP practice serving this proposed development to absorb the patient growth as a result of this development. Therefore NHS England and NHS Property Services have no objection to the proposed development and will not be submitting a request for a S106 contribution at this time”.

Parish Council Comments

The Parish Council has raised no objection to the scheme but subject to a number of conditions to any consent granted. The requirements would have to be tied up in a Legal Agreement. Planning Obligations are addressed at paragraph 204 of the NPPF and this requires that if Planning Obligations are sought they need to meet the following tests;

- That they are necessary to make the development acceptable in planning terms;
- Directly relate to the development;
- Fairly and reasonably relate in scale and kind to the development.

Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. Planning obligations must be fully justified and evidenced.

With regards to the Parish Council's suggested requirements, It would be difficult to make a case that for this scheme to be acceptable in planning terms, the housing should be retained for local residents. This requirement does not meet the above tests and is discriminatory in the provision of housing in the district. Flooding and linking to the sewage system will be addressed by appropriate conditions as suggested by statutory consultees.

It is understood that during WWII a group of children were killed in a bombing raid within this site and the Parish Council has suggested that a fitting memorial could form part of any approved scheme. Whilst this would not meet the tests for a Planning Obligation the applicants may agree to offer such a memorial as part of any Section 106 Agreement. As above there is no evidence that demonstrates that a roundabout and footpath to the crossroads are required to make this development acceptable.

The construction of the community building and infrastructure relative to housing would be tied up legally and planting to the front of the site could be agreed by condition. The Parish Council also requests land not to be built on to be gifted for use as a wildlife sanctuary, an outdoor gym, and a post office within the community building as potential contributions that could be agreed legally. These appear to be more benefits to local people rather than elements necessary to mitigate the impact of the development. It is also difficult to conclude that they fairly and reasonable relate in scale and kind to what is proposed here. However if Members are minded to grant consent negotiations could open on appropriate contents of a section 106 Agreement which would be necessary.

Conclusion:

The proposed development is by definition inappropriate in the Green Belt and as such should only be approved in very special circumstances. Although such an argument has been put forward it is not accepted that very special circumstances exist which would justify an approval of this scheme. It is not considered that there is a policy vacuum or that a five year supply of sites cannot be demonstrated. As stated within the report, in any case central Government has made it clear through changes to the NPPG that on the single issue of unmet need this will unlikely constitute the very special circumstances which would justify Green Belt housing development. In line with

national guidance, the Council will alter Green Belt boundaries to meet housing need through the plan making process.

The proposed mix of affordable/market dwellings needs revisited to create a better blend of affordable/market housing in relation to dwelling sizes. Ultimately a policy compliant level of affordable housing cannot be considered a very special circumstance.

Without a clear demonstration of local need for both the community hall and the sports pitch are inappropriate developments and further justifiable reasons to withhold consent. Further information is needed clearly outlining the need for these facilities. This is similarly true of the proposed parking area to serve the local school as a drop off pick up point.

Insufficient information has been submitted with regards to landscape impact but on the information provided it is considered the impact would be excessive with no clear justification for the proposed changes. Larger housing schemes are better considered through the plan making process and the need for the amount of sports fields has not been clearly demonstrated. Furthermore this site is not considered sustainable for a development of this size having regard to national guidance in the NPPF.

In design terms the proposed development is considered acceptable. There is some concern that the proposed layout includes some rows of parking, contrary to Essex Design Guide guidance, and that some of the rear amenity areas are quite small. However it has been concluded that this can, on balance, be justified. It is also considered that the amenity for future occupants will be acceptable and that screening could address potential issues of overlooking from Cranbrook.

Notwithstanding the concerns of neighbours it is not considered that the development would contribute to an increase risk of flooding in the immediate area. The Highways Authority has raised no objection to the revised scheme and the parking provision is adequate.

In light of the above appraisal it is to recommendation to Members that this application should be refused consent.

Is There a Way Forward?

On the fundamental issue of releasing such a site to meet housing need, Officers are of the view that such decisions should be made through the plan making process. This position has been supported by Central Government and recent appeal decisions are also supportive of the view that the plan making process is the best way to meet housing need as opposed to ad hoc applications. It is further considered that if a site, or sites, was released for such a need in the Nazeing area this may not necessarily be the best option. However such matters are best addressed strategically. Furthermore the need for the sports facilities would have to be clearly demonstrated and if such a need does exist a decision would be made if this was the best available site to meet the need. No clear way forward therefore exists.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

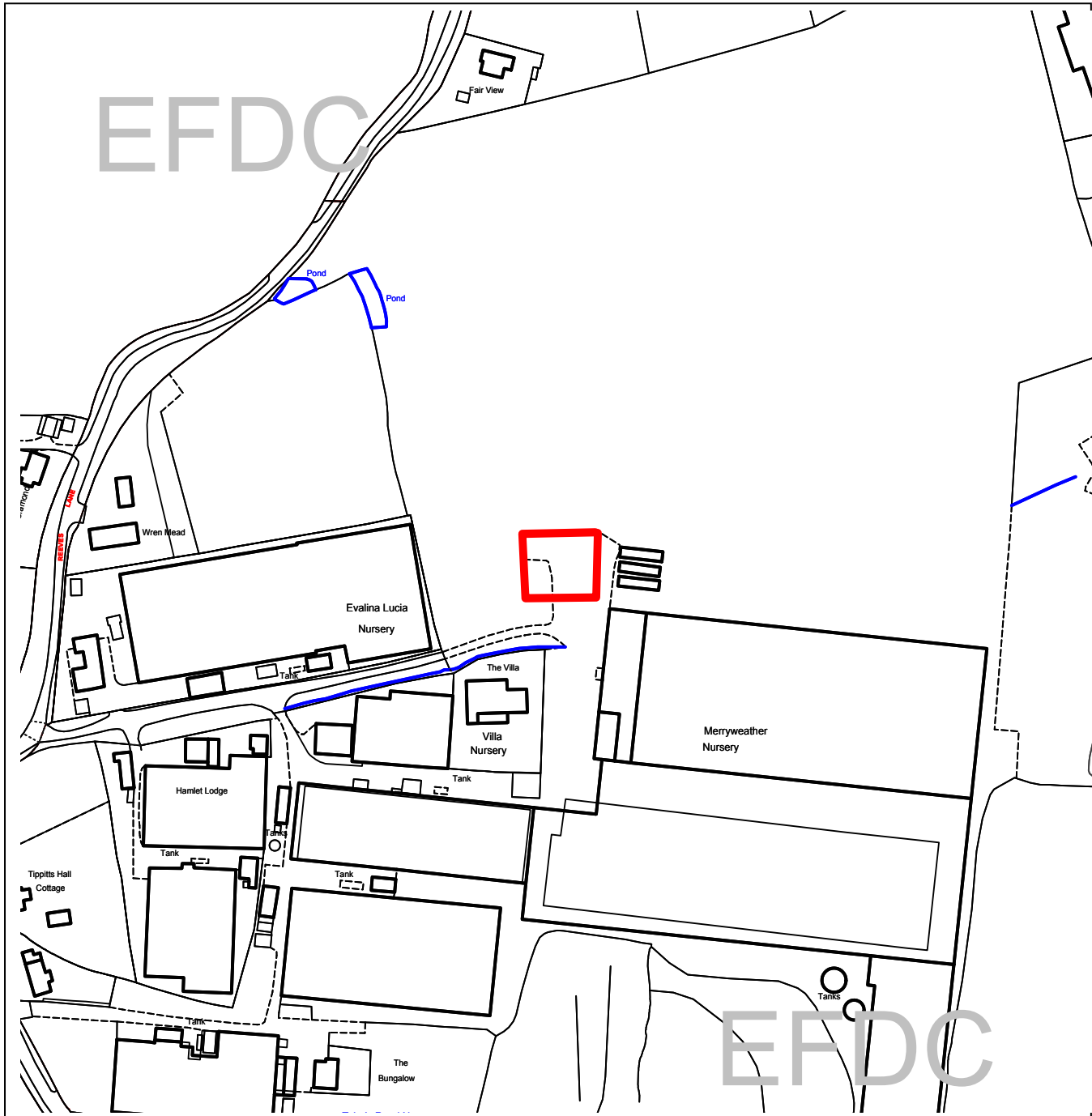
***Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336***

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



Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/2051/15
Site Name:	Villa Nursery, Reeves Lane, Roydon, CM19 5LE
Scale of Plot:	1/2500

Report Item No:4

APPLICATION No:	EPF/2051/15
SITE ADDRESS:	Villa Nursery Reeves Lane Roydon Harlow Essex CM19 5LE
PARISH:	Roydon
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr Felice Gibilaro
DESCRIPTION OF PROPOSAL:	The development comprises the installation of a Green Energy Centre incorporating a 1.65 MWth biomass boiler burning Grade A recycled wood chip fuel to provide the baseload space heating requirements of the glasshouses at the Villa Nursery site, in addition to 118 kWe of renewable electricity for export to the National Grid.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578461

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed in accordance with the approved drawings No's: 1522B015: - SL R00, SL R01, OA R02 and the submitted location and block plan
- 3 Any deliveries in connection with the use shall only take place between the hours of 08:00 - 18:00 Monday to Friday, and 08:00 to 12 noon Saturday, unless otherwise agreed by the Local Planning Authority.
- 4 The use for wood burning hereby granted in the building shall cease if the horticultural use ceases.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to

clean vehicles immediately before leaving the site.

- 6 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development.

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

Description of site

Villa Nursery is located on Reeves Lane within the settlement of Roydon. The application site is currently used as a working nursery which specialises in the growing of salad vegetables for distribution to local retailers. The majority of the site is covered in glasshouses and there is a large packing shed and a single dwelling house in the middle of the nursery. The application site is located within the boundaries of the Metropolitan Green Belt and it is within in a conservation area.

Description of proposal

The proposed development is to erect a new single storey building to house a biomass boiler. The building will have a maximum height of 7.5m, be 22m long and 18m wide.

Relevant history

EPR/0115/48 - erection of 10 greenhouses – Approved

EPF/0962/94 - Erection of glasshouses (9216 sq metres) – Refused and dismissed on appeal

EPF/0851/99 - Installation of gas supply pipeline – Approved

EPF/0785/05 - Change of use of horticultural site to a mixed use of horticulture and packing and distribution use. – Refused

EPF/0362/07 - Change of use of horticultural site to a mixed use of horticulture and packing and distribution use. (Revised application) – Approved

EPF/0705/07 - Change of use and conversion of domestic outbuilding to bungalow annexe including replacement of flat roof with pitched roof. For use of extended family of occupants of Villa Nursery. – Approved

Policies Applied

Local Plan:

CP2: Quality of Rural and Built Environment

DBE9: Loss of Amenity

DBE2 – Effect on Neighbouring properties
DBE1 – Design of new buildings
CP10 – Renewable Energy Schemes
ST6 – Vehicle Parking
GB2A – Development in the Green Belt
GB7A – Conspicuous development
GB11 – Agricultural Buildings

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representations received

4 Neighbours consulted and site notice displayed – No comments received

ROYDON PARISH COUNCIL – Objection - The development comprises the installation of a Green Energy Centre incorporating a biomass boiler burning Grade A recycled wood chip to provide baseload space heating requirements of the glasshouses at the Villa Nursery site plus renewable electricity for export to the National Grid.

The Parish Council OBJECTS due to Concerns about the increase in large vehicles that will be accessing the site to bring in the recyclable materials. Reeves Lane is a sub-standard road which, along with neighbouring roads is not suitable for larger vehicles. Also there are concerns that the emissions from the boiler could affect neighbouring properties.

Issues and considerations

The main issues to consider when assessing this application are the potential impacts on the openness of the Green Belt, the living conditions of any neighbours, highway safety, its appearance in relation to its surroundings and the conservation area and potential flood issues.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) recognises that certain forms of development are inappropriate within the boundaries of the Metropolitan Green Belt. However paragraph 89 recognises that there are exceptions to inappropriate development and one of which is the erection of agricultural buildings. This is also acknowledged in Local Plan policies GB2A and GB11 which state that agricultural buildings are appropriate providing that they are ‘demonstrably necessary for the purposes of agriculture’. The proposed use of this building is to facilitate a biomass boiler which will provide an alternative means of energy generation to serve the existing nursery business. The site is clearly in agricultural use and the biomass boiler would be ancillary to the existing agricultural business. As a result it does not constitute inappropriate development within the Green Belt and the main issue therefore is whether the proposed development is necessary or desirable for the agricultural unit. The applicant has therefore provided a detailed submission in an attempt to justify the scheme.

The General Permitted Development Order (GDPO) recognises biomass boilers as necessary for the purposes of agriculture. This is a reference to the amendment to the GDPO in 2012 which states that “reasonably necessary for the purposes of agriculture” includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine”. Such developments are therefore recognised as necessary for the purposes of agriculture in relation to this Order. It is clear therefore that the purpose of this amendment is to recognise that biomass boilers have an important purpose in the everyday workings of an agricultural holding.

Evidently the proposed building would not qualify as permitted development given that the proposed floor area would be 516sqm which is in excess of the permitted 465sqm. However it is clear that the Government is keen to promote more economically and environmentally sustainable options for energy production for horticultural businesses.

The applicant submits that the boiler would create 1.5MWh of thermal energy (90°C water) to the heating circuit of the adjacent glasshouses and 118kW_e of renewable energy to the National Grid. To put it into context this would constitute a 50% reduction in the use of natural gas (the fuel used currently to heat the glasshouses) in favour of a sustainable and renewable energy source. In addition the development will include significant economic benefits for the agricultural business, reducing the expenditure on natural gas in favour of a cheaper and readily available alternative. As a result there are clear and significant economic and environmental benefits of allowing this scheme and it is therefore rational to recognise that it has been demonstrated that it is necessary for the purposes of agriculture on this site.

Once it has been determined that the agricultural building would be necessary for the agricultural unit, it is important to assess whether it is necessary for the building to be as large as is proposed.

The wood chips will be stored in two storage bays which will have individual top loaders and will offer adequate covered storage for the product to ensure a smooth and reliable operation of the new boiler and consequently the size of the building is necessary for it to run efficiently. Furthermore it is not appropriate to store the wood chips outside as rainwater would dampen the chips reducing their efficiency in the boiler and more fuel would be required to get the boiler to the optimum temperature. Also the storage of the fuel outside, particularly on rough surfaces could cause gravel and other particles to enter the fuel which could damage the boiler. There is an existing building to the west, however it is used as a packing facility for the produce grown on the site and consequently the chips could not be stored there. There are no other buildings on the site which would be suitable for the storage of the wood chips.

Policy GB11 also requires that the development will not be detrimental to the character of the area of the living conditions of nearby residents, the latter will be addressed under the 'living conditions' section of this report. The building appears as a conventional albeit utilitarian designed agricultural building which would not appear discordant with the other buildings currently on the site or within its rural setting.

Living conditions of neighbours

A biomass boiler will emit certain forms of pollution, smoke or noise could be something which theoretically could cause nuisance. There is a residential dwelling located within the centre of Villa Nursery which is occupied by the owners of the site and the proposed boiler will be relatively close to this property. However the property is far enough from the proposal that there will not be any excessive harm caused to their living conditions. Furthermore smoke emissions and noise disturbance are regulated by the Councils Environmental Health department and the Environment Agency. If smoke or noise from the boiler were to cause a nuisance then recourse would be available through the Environmental Protection Act and the Clean Air Act.

Highway Safety

The building would be sited within the middle of the existing nursery and would not involve the alteration of existing access arrangements. Currently one HGV vehicle visits the site on a daily basis to collect produce to deliver it to local retailers. Furthermore there are two to three additional HGV vehicle visits per week to deliver raw materials to the nursery. Delivery of the wood chippings will be delivered by HGV vehicle three times a week in addition to the current deliveries. Within the context of the existing service arrangements, three additional deliveries per week will not cause any significant harm to nearby residents on Hamlet Hill, Reeves Lane or Tylers Road.

The Parish Council have raised concerns that Reeves Lane and its surrounding roads are substandard and not capable of facilitating large vehicles. Although it is acknowledged that the roads are relatively narrow they are currently used by HGVs under the existing service arrangements and a further three per week will not cause any additional harm than the existing situation. This view is shared by the Councils Highway Advisor who has no objection to the granting of this application.

Impact on the conservation area

The development will be located just within the boundaries of the Nazeing and South Roydon Conservation area. The purpose of conservation in this location is to preserve the open, Medieval pattern within the settlements of Middle Street, Halls Green and Bumbles Green. The proposed building will have a relatively low ridge height and be located within a large extent of glasshouses and other agricultural buildings.

Flood Risk

The development is of a size where it is necessary to avoid generating additional runoff and therefore a Flood Risk Assessment is required. This can be secured through a planning condition.

Conclusion

The development complies with the objectives of the NPF (CLG, 2012) and the Local Plan. Therefore it is recommended that planning permission is granted.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

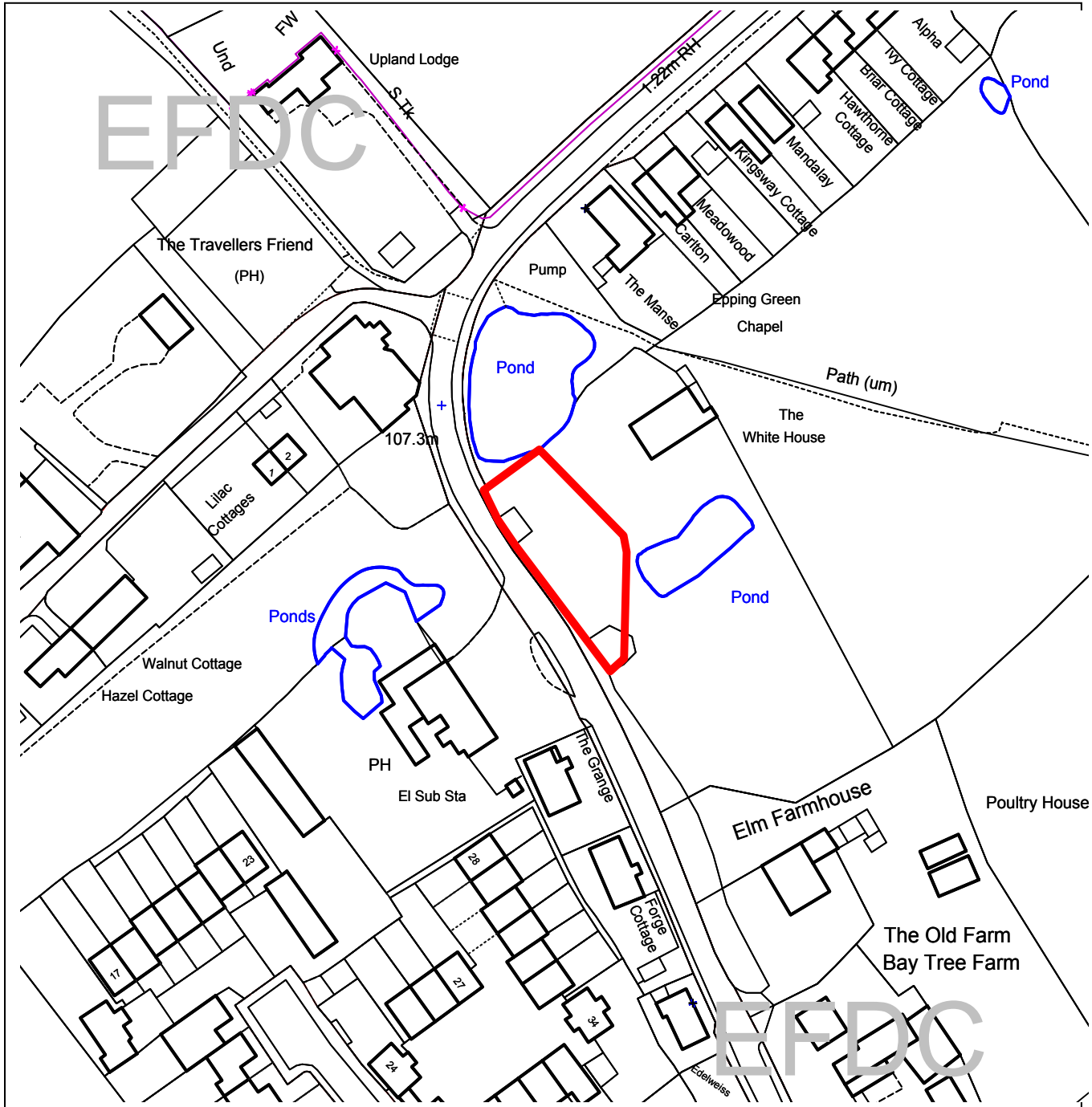
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371***

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/2121/15
Site Name:	The White House, Epping Green, Epping, CM16 6PU
Scale of Plot:	1/1250

Report Item No:5

APPLICATION No:	EPF/2121/15
SITE ADDRESS:	The White House Epping Green Epping Essex CM16 6PU
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs C E Carr
DESCRIPTION OF PROPOSAL:	Erection of single dwelling, detached garage within the curtilage of the existing dwelling, including ancillary works.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=578594

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved Location Plan and drawing no: 2972/1
- 3 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously

damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) covering the entire site, including that outlined in blue on the approved Location Plan, has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 6 Before any preparatory demolition or construction works commence on site, full ecological surveys and a mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 8 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 9 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.

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.

- 10 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to first occupation of proposed development, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
- 12 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 14 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.

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

Description of Site:

The application site is part of the residential curtilage of The White House, which is located on the eastern side of Epping Road within the village of Epping Upland. The site is located close to the corner junction opposite the Travellers Friend and Cock & Magpie public houses.

Whilst the site is located within the village of Epping Upland, the site is within the designated Green Belt. There is a large pond located to the north of the site (outside of the applicant's ownership) and a smaller pond located to the east (within land owned by the applicant). There is a large established hedge bordering the site and some individual trees located within the site area. The site currently contains a detached outbuilding immediately adjacent to the highway on the western boundary. Access to the site is via Epping Road opposite the carriage driveway serving the Cock & Magpie.

Planning consent has been granted for the erection of two detached dwellings with garages within the area of garden to the southeast of the application site, which is shown as being within the applicant's ownership but is actually understood to now have been sold off to a developer.

Description of Proposal:

Consent is being sought for the erection of a single detached four-bed dwelling with a detached single garage. The proposed dwelling would measure 15m in width and a maximum of 7.5m in depth with a dual pitched roof reaching a ridge height of 8m. The first floor of the proposed dwelling would be wholly located within the roof space and served by three front and three rear dormer windows. There are also two significantly smaller 'feature' dormer windows located above the main dormers.

The proposed single garage would measure 3.5m in width and 7m in depth with a dual pitched roof to a ridge height of 4.5m. Access to the site would be by way of the existing access serving The White House and the two recently approved dwellings to the southeast of the site and would be improved as part of the development.

Relevant History:

EPO/0484/64 - Erection of two houses – approved/conditions 09/02/65

OUT/EPO/0639/72 - Outline Application for house – approved/conditions 10/10/72

OUT/EPF/1233/80 - Outline Application for one dwelling – refused 06/10/80 (appeal dismissed 10/11/81)

EPF/1499/90 - Erection of detached house – refused 11/01/91

OUT/EPF/1934/01 - Outline application for the erection of a detached house – refused 20/02/02

CLD/EPF/2143/02 - Certificate of lawfulness for use of land as residential curtilage – lawful 24/01/03

OUT/EPF/0910/14 - Outline application for the erection of two detached dwellings with garages within the curtilage of the existing dwelling and ancillary works – approved/conditions (subject to S106 Agreement) 28/08/14

EPF/1640/15 - Erection of two detached dwellings with garages, improved highway access, drives, turning areas and ancillary works – agreed to approve with conditions (subject to S106 Agreement)

Policies Applied:

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

GB2A – Development in the Green Belt

GB7A – Conspicuous development

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE8 – Private amenity space

DBE9 – Loss of amenity

LL10 – Adequacy of provision of landscape retention

LL11 – Landscaping schemes

NC4 – Protection of established habitat

ST1 – Location of development

ST4 – Road safety

ST6 – Vehicle parking

U2B – Flood risk assessment zones

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

Consultation Carried Out and Summary of Representations Received:

12 neighbours were consulted and a Site Notice was displayed on 21/09/15.

PARISH COUNCIL – Object:

- Overdevelopment of site
- Concerns regarding vehicular movements both for residential use and during building works
- Concerns regarding trees and would request that TPOs be considered prior to the start of the build should the application be granted

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt, the suitability of the site, the design, the impact on neighbouring residents, regarding landscaping considerations and highway safety.

Green Belt:

The application site is located within the Metropolitan Green Belt. The NPPF states that “*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*”, however there is a list of exceptions to inappropriate development contained in paragraph 89 that includes “*limited infilling in villages*”.

It is considered that Epping Upland would clearly constitute a ‘village’, particularly since the majority of Epping Upland is located outside of the Green Belt (including the public house and housing directly opposite the site). For this reason planning consent has recently been granted for the erection of two new dwellings on the land to the southeast of the application site (which is shown as being within the applicants ownership, however is understood to have now been sold off).

To the immediate east of the site is the donor property. To the north east is a row of residential properties and to the northwest is a public house with some sporadic residential development beyond this. To the southwest of the site is another public house and the relatively densely populated bulk of the village beyond this, consisting of terraced and detached houses, which are outside of the designated Green Belt. To the immediate south east is the site that has recently obtained planning permission for two dwellings, and beyond this further residential development.

Given the recent decisions on the adjacent site it is clear that residential development in this location would be considered as 'infill'. Therefore the key consideration is whether a further new dwelling would still fall within the category of being 'limited'.

Whilst the submitted location plan shows the entire White House site, including the area whereby two new houses have been granted consent, as being within the applicant's ownership it is understood that the southeast section of land has since been sold off to a developer. Whilst planning permission has been granted for two new dwellings this consent has not yet been implemented, and may never be developed. As such the approval of this single residential dwelling would not necessarily result in three new properties being erected on the site. As two dwellings were previously considered appropriate on the adjacent parcel of land the erection of one dwelling on this site would clearly be considered as 'limited'.

Notwithstanding the above, even when taking into account the two approved dwellings to the southeast it is not considered that the erection of three new properties on this site would be inappropriate in this location. Within a previous appeal at Pond House, Matching Green (Ref: EPF/2136/12) the Inspectors decision letter stated that *"the scheme would be visible from within the village and the wider countryside but I consider it would have a very limited impact on the openness of the Green Belt because, as an infill development, it would be contained within the existing envelope of built development in Matching Green and seen in the context of the existing village development. For the same reason, it would not have a material adverse effect on the purposes of including land within the Green Belt"*.

Given the size of the wider White House site it is considered that the provision of three houses would continue the existing pattern of development on this side of Epping Road and, as the application site is bordered on three sides by residential properties, the development of this site for three properties would be viewed within the context of the village of Epping Upland and would not detrimentally encroach into open countryside. Therefore it is considered that the proposed development would fall within the exception of *"limited infilling in villages"* and therefore would not constitute inappropriate development harmful to the Green Belt.

Suitability of the site:

Given that planning consent was recently granted for two new dwellings to the south east of the application site this location is clearly considered to be suitable for the erection of one additional dwellings in terms of sustainability.

Concern has been raised by the Parish Council that the proposal would constitute an 'overdevelopment' of the site. Whilst planning consent has been granted for two new dwellings to the south east of the application site this consent has not yet been implemented, and may never be developed. As such it cannot be assumed that three new properties would be erected on the site. As two dwellings were previously considered appropriate on the adjacent parcel of land the erection of one dwelling on this site in isolation would clearly not constitute 'overdevelopment'.

Notwithstanding the above, the approval of this proposal along with the recent approval on the adjacent parcel of land may result in three new dwellings (total of four including the donor property) being erected on this wider site. With this in mind the original site is an extremely large plot of land that can easily accommodate three additional dwellings along with all required access arrangements, off-street parking provision, and amenity space. There is ample separation between the proposed dwelling and those recently approved consent to the southeast and over 15m separation between the new dwelling and the donor property. The new house would be stepped in 2.5m from the edge of the highway and largely screened by existing landscaping and as such it is

not considered that this proposed development and the implementation of EPF/1640/15 would result in an overdevelopment of this particular site.

Design:

Epping Green contains a mix of dwellings of various sizes and design. The proposed dwelling would retain a relatively rural appearance and would utilise traditional materials. The proposed new dwelling would incorporate three types of dormer windows to the front elevation, including two small 'feature' dormers above the line of the main dormer windows, which would be an unusual feature to the property. However it is not considered that these would be unduly detrimental to the appearance of the dwelling. Furthermore given the presence, and retention, of the large established hedge along the roadside frontage most views of the proposed dwelling from the highway would be limited. Whilst the side elevation of the property would be visible, due to the removal of the existing outbuilding and lack of screening along this section of the frontage, it is not considered that there would be any detrimental impact on the appearance of the street scene.

The proposed dwelling would be one-and-a-half storeys in height, which is common within this part of Epping Green, and would have a smaller footprint than the donor property. As such it is not considered that the development would appear overly dominant or prominent within this area or harmful to the character of the area.

Amenity considerations:

Given the location of site and proposed dwelling, the distance from neighbouring houses (including the donor property), and since the closest neighbours are the two public houses, it is not considered that the proposed development would be detrimental to the amenities of neighbouring residents.

Landscaping:

There are a number of trees and hedgerows on site, the most important of which is the large hedgerow along part of the street frontage. It is intended to retain this hedgerow.

The proposed development would involve the removal of an area of landscaping in order to accommodate the dwelling and the likely loss of two trees to allow for the new driveway. The existing landscaping has been assessed by the Council's Tree & Landscaping Team and none of the existing trees appear to be sufficient enough to warrant the serving of a Tree Preservation Order. The most important landscaping feature to the site is the dense boundary screening along the road frontage, which would be retained, and much of the landscaping on the wider site would also be kept. Therefore, subject to the provision of additional replacement planting, it is considered that the principle of the development is acceptable.

Since there has been no tree information submitted with regards to the development, and it is essential that adequate tree protection takes place to maintain the remainder of the landscaping within the wider blue line site, conditions would be required to ensure adequate information is submitted and agreed prior to any works commencing on the site.

Given the proximity of two ponds and the existing vegetation on site it would be necessary to undertake Ecological Assessments of the site. However this matter can be dealt with by condition.

Highways/access:

The proposed new dwelling would utilise the existing access point serving the White House, which would be widened to improve this access. Whilst this section of Epping Road is known to be somewhat problematic at times the existing access has appropriate visibility onto Epping Road and would be further improved through the widening of the access. As such it has been deemed by Essex County Council that the proposal would not be detrimental to highway safety or capacity at this location.

There is more than sufficient parking on site to provide all required resident and visitor parking provision along with manoeuvrability space to ensure vehicles can enter and leave the site in forward gear.

Other matters:

The application site is located within an EFDC flood risk assessment zone and 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. Therefore a condition requiring a flood risk assessment should be imposed. Furthermore, details of surface drainage would also need to be agreed, which can be dealt with by way of a condition.

The Essex Historic Environment (EHER) Record shows that the application site lies adjacent to the site of a medieval moated site (EHER 48394), and it is not clear whether the moated area originally extended into the application site, joining up with the pond with The White House garden. The application site is also located within the area of the medieval greenside settlement of Epping Green. Any development of this site may therefore have the potential to impact on features and finds associated with these historic areas. As such, the implementation of a programme of archaeological works will be required prior to the commencement of any development on this site, which can be dealt with by condition.

Conclusion:

The recent consent for two residential dwellings on the south eastern section of the wider site has concludes that a proposal such as this does not constitute inappropriate development harmful to the Green Belt and is suitable within this location. The site is large enough to accommodate the proposed development, even if the adjacent consent is implemented, and the design, impact on neighbour amenities and impact on highway safety would be considered as acceptable.

Whilst there would be some removal of existing landscaping to accommodate the proposed development the existing boundary hedge would be retained and planning conditions can be imposed to control any other loss of landscaping and additional planting. As such the proposed development complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application is therefore 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:

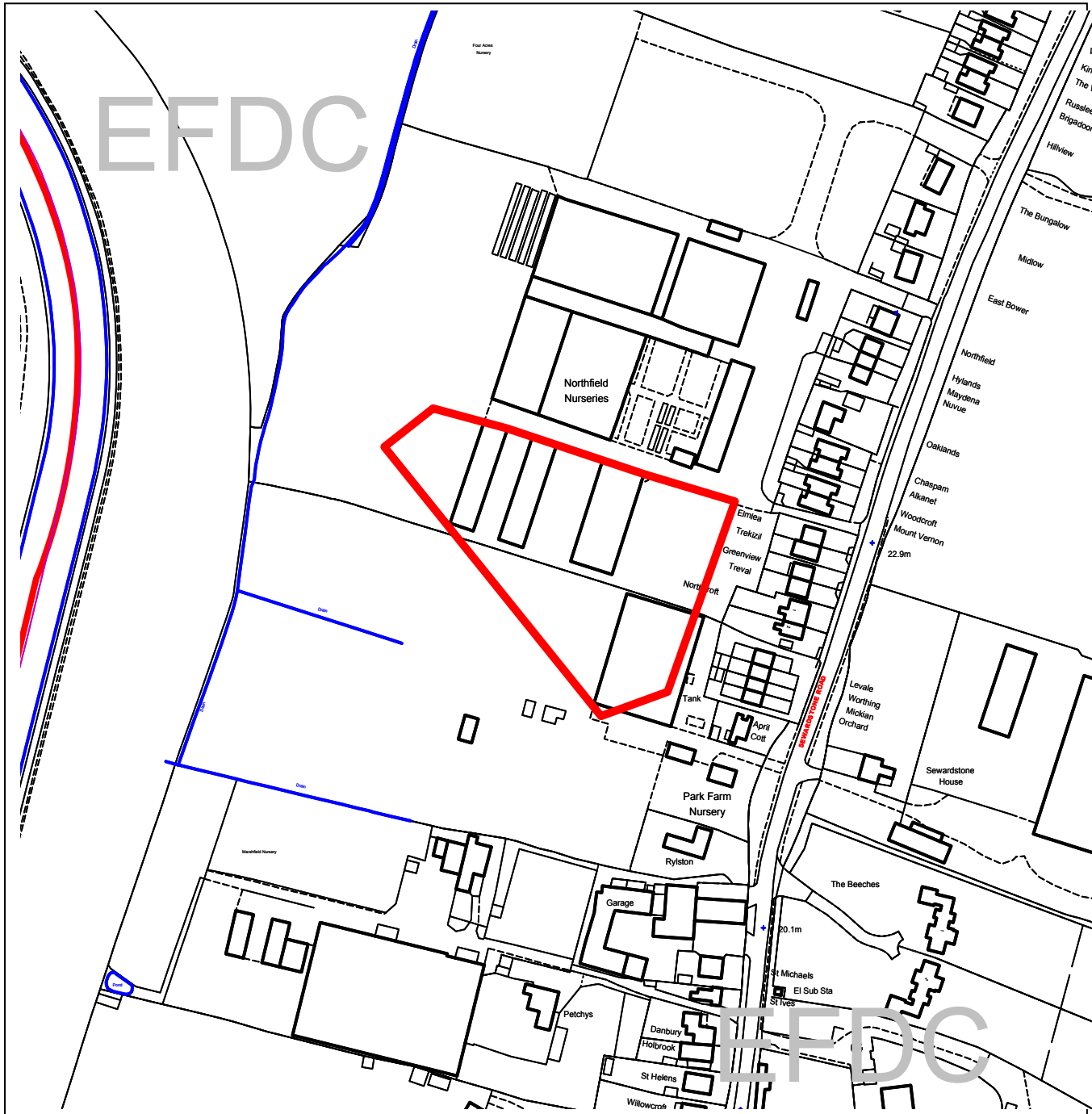
**Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228**

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/2474/15
Site Name:	Park Farm Nursery Sewardstone Road, Waltham Abbey, E4 7RG
Scale of Plot:	1/2500

Report Item No:6

APPLICATION No:	EPF/2474/15
SITE ADDRESS:	Park Farm Nursery Sewardstone Road Waltham Abbey Essex E4 7RG
PARISH:	Waltham Abbey
WARD:	Waltham Abbey High Beach
APPLICANT:	Mr Surjit Ghuman
DESCRIPTION OF PROPOSAL:	Erection of radio transmitter, comprising pole borne antenna, tuning equipment cabinet, steel cabin to house transmitter and associated equipment.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=579473

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PR1, PR2, PR4, PR5, PR7 Rev: A, the aerial photograph site plan, and the Root Protection Areas plan.
- 3 No excavations within the calculated root protection areas of the trees on site shall be cut or laid otherwise than in accordance with BS5837:2012 (Trees in relation to design, demolition and construction - Recommendations), except with the approval of the local planning authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The application site is a large former agricultural (horticultural) site on the western side of Sewardstone Road that is currently being partially used for the storage of building materials. The proposed radio transmitter would be located within the rear section of the site adjacent to the neighbouring horticultural nursery known as Northfield Nurseries.

The application site is located within the Metropolitan Green Belt, the Lee Valley Regional Park and contains several preserved trees.

Description of Proposal:

Consent is being sought for the erection of a radio transmitter with associated equipment. The radio antenna would be a 'flat top' antenna suspended between two 18m high wooden telegraph type poles measuring 200-300mm in diameter. The telegraph poles would be situated 40m apart with the antenna strung between them and an antenna tuning cabinet would be situated midway between this. The tuning cabinet would measure approximately 1m x 1m x 500mm and would be enclosed by a 3m² fence. A radio transmitter and associated equipment is also proposed to the northeast of the antenna that would be housed within a steel clad structure measuring some 2.4m x 3m x 2.5m.

Relevant History:

EPF/1650/86 - Replacement of five glasshouses (110 feet x 148 feet) for horticultural purposes – approved 30/01/87

EPF/0415/06 - Outline application for two replacement dwellings and a single infill dwelling on land at Park Farm Nursery – refused 22/05/06 (appeal dismissed 07/12/06)

EPF/1058/15 - Retrospective application for the use of land for open storage of building materials (Sui Generis use) – refused 24/07/15 (currently being appealed)

EPF/1076/15 - Retrospective application for the change of use from glasshousing to storage of building materials (Sui Generis use) – refused 24/07/15 (currently being appealed)

Policies Applied:

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

RP5A – Adverse environmental impacts

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

DBE9 – Loss of amenity

LL1 – Rural landscape

LL2 – Inappropriate rural development

LL10 – Adequacy of provision for landscape retention

RST24 – Design and location of development in the LVRP

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

Consultation Carried Out and Summary of Representations Received:

15 neighbouring properties were consulted and a Site Notice was displayed on the 26/10/15. This report has been prepared prior to the expiration of the consultation period and therefore any additional comments received will be verbally reported to Members.

TOWN COUNCIL – Object. Committee considered there to be insufficient information regarding the height of the antenna pole and also raised concerns regarding the trees that are on this site which are protected by Tree Preservation Orders.

LVRPA – Object. The erection of the radio transmitter strikes a singular and discordant element in the Regional Park. This is in contrast with the Authority’s landscape proposals contained in the Park Plan and the draft Park Development Framework.

ALKANET, SEWARDSTONE ROAD – Object as this may effect television reception and could cause health issues.

GREENVIEW, SEWARDSTONE ROAD – Object since the site has already raised far too many concerns and is a source of excessive noise, dirt and disruption, and since there is no information on the possible effects of the transmitter on human and animal life or television/mobile reception.

WORTHING, SEWARDSTONE ROAD – Object since the applicant has caused constant noise and disturbance over the last two years and as the development would be in the Green Belt and would appear as an eye-sore. This would be a creeping development detrimental to the local area, neighbours and wildlife.

Issues and Considerations:

The key considerations in this application are the impact on the Green Belt and overall character of the area, the impact on the preserved trees, and regarding neighbours amenities.

Green Belt:

The proposed radio transmitter would be located in an otherwise undeveloped parcel of land. The National Planning Policy Framework highlights that ‘engineering operations’ do not constitute inappropriate development in the Green Belt *“provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt”*.

As an engineering structure consisting of two slim wooden telegraph type poles, thin cables and some small low level equipment it is considered that the proposed transmitter would only have a modest impact on the openness of the Green Belt. The five purposes of the Green Belt, as stated within the National Planning Policy Framework, are:

- *To check the unrestricted sprawl of large built-up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

It is not considered that the proposed development would conflict with any of the above purposes. As such the principle of the proposed development would constitute inappropriate development harmful to the Green Belt.

Character of area:

As well as being located within the Green Belt the application site is within the Lee Valley Regional Park. The Lee Valley Regional Park Authority has objected to the proposal for the following reason:

The erection of the radio transmitter strikes a singular and discordant element in the Regional Park. This is in contrast with the Authority's landscape proposals contained in the Park Plan and the draft Park Development Framework.

Whilst the proposed transmitter would introduce a new form of development into this currently undeveloped parcel of land the most visible part of the radio transmitter would consist of two slim poles, similar to telegraph poles, and various cables. The remainder of the equipment would be low level and predominantly screened by boundary treatment.

The application site is adjacent to a large horticultural nursery to the north (Northfield Nursery), the former horticultural nursery (which is currently being used for the storage of building materials) of Park Farm Nursery to the east, and to the south of the wider site is the Texaco petrol station and Marshfield Nursery. Whilst there is no development to the immediate west of the site this is because one of the large King George's Reservoirs is located adjacent to the western most boundary of the wider Park Farm Nursery site.

Given the abundance of trees surrounding the proposed development, which would remain since they are preserved, and the wider setting of the application site it is not considered that the proposed small scale structure would be a dominant feature within this site or the wider landscape. Although the radio antenna would reach a total height of 18m, and therefore may be visible above existing landscaping, the slim nature of the works would mean that the proposal would not unduly impact the visual appearance of the site. Furthermore along the opposite side of the adjacent reservoir, also within the Lee Valley Regional Park, is a collection of even more visually imposing electricity pylons.

Impact on trees:

An initial objection was received from the Council Tree & Landscape Officer due to a lack of information with regards to the trees on site and the impact on these; however additional information has now been received. This submitted information demonstrates that the proposal can be implemented without a detrimental impact to the trees on the site.

Neighbouring amenity:

Concern has been raised by neighbouring residents with regards to the possible health implications of the development and how this may affect television/mobile phone reception. All radio antennas must comply with strict standards and guidelines and it is understood that most radio and television transmitters are typically well below the exposure levels of hertz (Hz) as recommended by current standards and guidelines. These requirements, along with the location of the radio antenna some considerable distance from surrounding neighbours, should ensure that there are no health impacts as a result of the proposal.

With regards to the impact on television reception it is understood that radio transmitters such as this (along with much larger scale ones) are located throughout the country and often within heavily built up areas without causing loss or significant interference with television reception. Given the small scale of the proposed transmitter, and its location in relation to nearby residential properties, it is unlikely that this development would have any detrimental impact on television reception within the surrounding area.

Conclusions

Given the slim nature of the proposed antenna and low level of the associated equipment it is not considered that the development would result in any loss of openness or detrimental impact on the Green Belt or the character and appearance of the wider area. The development can take place without undue harm to the existing preserved trees, subject to a relevant condition, and strict guidelines and standards are in place to ensure that the proposed transmitter does not cause any harm to human or animal health or television/mobile phone reception. As such it is considered that the development would comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and is therefore 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: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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

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Report to Area Plans Sub-Committee West **Date of meeting: 11 November 2015**



**Epping Forest
District Council**

Subject: Probity in Planning – Appeal Decisions, 1 April 2015 to 30 September 2015

Officer contact for further information: Nigel Richardson (01992 564110).

Democratic Services Officer: Mark Jenkins (01992 564243)

Recommendation:

That the Planning Appeal Decisions be noted.

Report Detail:

Background

1. (Director of Governance) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (GOV08) and the other which measures the performance of officer recommendations and delegated decisions (GOV07).

Performance

4. Over the six-month period between 1 March 2015 and 30 September 2015, the Council received 39 decisions on appeals (32 of which were planning related appeals, the other 7 were enforcement related).
5. GOV07 and 08 measure planning application decisions and out of a total of 32, 12 were allowed (37.5%). Broken down further, GOV07 performance was 7 out of 22 allowed (35%) and GOV08 performance was 5 out of 10 (50%), although out of this 5, one was part-allowed/ part-dismissed.

Planning Appeals

6. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following cases:

COMMITTEE REVERSALS - APPEALS ALLOWED:

Area Committee South

EPF/0037/15	Erection of new 1.6m electric gate and painted black steel railings to front wall. (Resubmission following refusal of EPF/1638/14)	2 Norlands Chigwell Park
EPF/1629/14	Demolition of existing single dwelling house and the erection of two new apartment buildings accommodating 12 dwellings together with associated landscaping and car parking.	120 High Road Chigwell
EPF/1412/14	The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping	Former Public Car Park, Church Hill Loughton
EPF/3012/14	Demolish garage and replace with two storey extension, 1m from boundary, with continuation of roof above. Attached garage to other side of house, 1.1m from boundary, with "granny flat/studio" above. Three front dormers. Two storey and single storey rear extensions.	24 Alderton Hill Loughton

Area Committee East

EPF/2358/14	Change of use from retail (Use Class A1) to estate agency (Use Class A2) (Re-submission following refusal of application EPF/1141/14.)	Ground Floor Unit, 134 High Street
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7. The appeal performance for GOV08, committee reversals, was on target at 50%, but the committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision. The 5 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED:

Area Committee East

EPF/2056/14	Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping.	Broadbanks Ivy Chimneys Epping
EPF/0255/14	Proposed conversion of stable block to a 2 bed single storey dwelling	Land Adjacent 1 Gun Cottage Abridge Road Theydon Bois

Area Committee South

EPF/1286/14	New attached dwelling.	2 Durnell Way, Loughton
EPF/2429/14	Three new detached dwellings, part single, part	20 Albion Hill, Loughton

two storey with green roofs and including new private access road off Albion Hill. Re-submission following withdrawal of EPF/0250/14

Area Committee West

EPF/1556/14	Outline application with all matters except access reserved for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings (50% affordable) with ancillary parking, access and gardens, along with the erection of a community building.	Former Haulage Yard Sewardstone Road, Waltham Abbey
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8. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, 5 were dismissed, 1 allowed with variation of conditions and the other quashed for invalidity. These are as follows:

Dismissed

ENF/0103/14	Without planning permission the erection of 108 - brick wall and metal railings around the front garden of the land	110 High Street Epping
ENF/0241/14	Without planning permission the erection of a pergola situated to the front of the principle elevation of the dwelling house	Lambourne Park Farm Lambourne
ENF/0298/12	Building to be demolished as per EPF/2562/11 and Notice 1.	Chase Farm Vicarage Lane North Weald Bassett
ENF/0499/12	Without planning permission the erection of a building for residential purposes	Moor Hall Lodge Moor Hall Road Harlow
ENF/0630/12	Without planning permission the erection of a building described as "Barn"	Lambourne Park Farm Hoe Lane Lambourne

Invalid, Notice Quashed

ENF/0504/13	Without planning permission the stationing of eight mobile homes/caravans for residential purposes on the land	Logic Travel – Ricotta Transport Tylers Cross Nursery Epping Road Roydon
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Allowed with Conditions, but Varied

ENF/0721/10	Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site	Plot 38, Roydon Lodge Chalet Estate High Street Roydon
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Costs

9. During this period, there was one award of costs against the Council in respect of a refusal of planning permission, which was a committee reversal, at Former Public Car Park, Church Hill Loughton – EPF/1412/14 - The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping.

10. Planning Practice Guidance on Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party in the following two circumstances:

- a party has behaved unreasonably; and
- the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.

11. In this particular case, there were two reasons for refusal which were concerned with character/appearance on the local area and secondly, on highway safety. The appellant made a full cost claim against the Council for unnecessary and wasted expense of making the appeal. The Inspector did not totally agree, but awarded partial cost in respect of the highway safety reason for refusal. The Inspector took account of the Highway Authority confirmation that it had no objection to the proposal on the grounds of highway safety and that all the technical requirements for parking and servicing had been met because the submitted drawings demonstrated that vehicles can enter and leave the site safely. Rather than being refused, this could have been secured by condition rather than be a reason for refusal. This reason had not been substantiated, and that the Council's "unreasonable behaviour in this regard" led the applicant to incur unnecessary or wasted expense in addressing this matter. The Planning Inspectorate does not set the fee in the award of costs so after much negotiation between the developer and officers, the partial award of cost the Council pays £22,888, which is mainly the appellant solicitors and highway consultants appeal work fees for this reason for refusal..

Conclusions

12. Whilst performance in defending appeals at 37.5% appears high, there is no national comparison of authority performance. Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

13. Finally, appended to this report are the 10 appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, 5 of which were allowed and 5 which were dismissed and therefore refused planning permission.

14. A full list of appeal decisions over this six month period appears below.

Total Planning Application Appeal Decisions 1st April 2015 to 30th September 2015

Allowed With Conditions

Buckhurst Hill

1	EPF/2693/14	Retrospective application for retention of patio at rear.	42 Princes Road
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2	EPF/0797/15	Double storey side and partial single storey rear extension to existing 3 bedroom semi-detached property	10 Rous Road
Chigwell			
3	EPF/0037/15	Erection of new 1.6m electric gate and painted black steel railings to front wall. (Resubmission following refusal of EPF/1638/14)	2 Norlands Chigwell Park
4	EPF/1629/14	Demolition of existing single dwelling house and the erection of two new apartment buildings accommodating 12 dwellings together with associated landscaping and car parking.	120 High Road
High Ongar			
5	EPF/2916/14	Erection of two non-illuminated timber sign boards.	Cloverleaf Farm Pig Meadow King Street
Loughton			
6	EPF/2442/14	Demolition of existing house and erection of a building to accommodate ten one-bedroom flats. Parking area of ten spaces to rear of building, with vehicular access to southwest of building. Pedestrian bridge to front entrance of building.	89 High Road
7	EPF/1412/14	The redevelopment of a disused car park to provide 350sqm of A1 retail space with six C3 residential apartments above with car parking and associated landscaping	Former Public Car Park, Church Hill
8	EPF/0270/15	Proposed drop down kerb onto England's Lane and vehicle access over grass verge to tarmac hardstanding between house and front boundary of property. Re-submission following refusal of application EPF/2616/14.	203 Englands Lane
North Weald Bassett			
9	EPF/1993/13	Change of use of land to a use for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing, the provision of a stable block and a utility/dayroom ancillary to that use. (Revised application)	Woodside Thornwood
Ongar			
10	EPF/2358/14	Change of use from retail (Use Class A1) to estate agency (Use Class A2) (Re-submission following refusal of application EPF/1141/14.)	Ground Floor Unit, 134 High Street

Roydon

11 EPF/1965/12 Change of use to a mixed use to include the stationing of caravans for occupation by gypsy traveller family. Ashview Hamlet Hill

Dismissed**Buckhurst Hill**

12 EPF/0194/15 Proposed 2 x one bedroom dwellings. Land to the side of 1 Princes Way

13 EPF/2237/14 Erection of a ground floor side infill extension, ground floor rear extensions, and part one / part two storey rear extension to existing house, including removal of existing conservatory. 50 Princes Road

14 EPF/0099/15 Create new roof, with a front gable and with an asymmetric crown roof form, with two rooflights/windows on rear. Rear dormer at first floor level. Revised application to EPF/2431/14. 25 Gladstone Road

15 EPF/0049/15 Demolition of existing property and redevelopment of the site to provide a two and a half storey building containing 4x one bedroom and 1x two bedroom self contained residential units with associated car and cycle parking, refuse store and landscaping (revision to EPF/2688/13) 142 Buckhurst Way

Epping

16 EPF/2056/14 Outline application with all matters reserved for demolition and removal of stables and hardstandings. Provision of access road with turning head, erection of five detached dwellings with garages and car spaces including ancillary works and landscaping. Broadbanks Ivy Chimneys

High Ongar

17 EPF/2206/14 Replacement of a disused garage with a new detached dwelling. Rosebud Chelmsford Road

Lambourne

18 EPF/2103/14 Proposed vehicle crossover. 3 London Road

Loughton

19 EPF/2758/14 Demolition of existing house, replacement house with 3 no. 6 bedroom houses. New front wall and gates. 16 Eleven Acre Rise

20 EPF/2603/14 Demolition of existing detached dwelling and construction of 8 no. 2 bedroom flats with underground car park. (Revised application) 2 Connaught Avenue

	following refusal of EPF/1503/14 for 9 flats)		
21	EPF/1286/14	New attached dwelling.	2 Durnell Way
22	EPF/2468/14	The enlargement of the previously approved but not fully completed ground and first floor extensions. Initial consent given under EPF/0674/74 and garage plus structural works completed and meaningful start achieved within period stipulated under planning consent certificate.	12 Marjorams Avenue
23	EPF/2429/14	Three new detached dwellings, part single, part two storey with green roofs and including new private access road off Albion Hill. Re-submission following withdrawal of EPF/0250/14	20 Albion Hill
Ongar			
24	EPF/2881/14	Prior Approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3) and associated operational development.	1 Shelley Rectory Church Lane Fyfield Road
Theydon Bois			
25	EPF/2522/14	Proposed new house to rear garden and demolition of existing garage and shed. Proposed new vehicular access to existing dwelling.	39 Dukes Avenue
26	EPF/2646/14	Outline application for demolition of existing chalet and erection of a replacement bungalow 11m long, 17.1m wide, 3m eaves height and ridge height of 7m. Total foot print 195 sqm, total area is 335 sqm and volume is 1,064 cubic metres. All other details are reserved matters.	119 Theydon Park Rd
27	EPF/0255/14	Proposed conversion of stable block to a 2 bed single storey dwelling	Land Adjacent 1 Gun Cottage Abridge Road
28	EPF/0327/15	First floor front extension above existing garage.	87 Theydon Park Road
29	EPF/1449/14	Proposed new bungalow to rear garden and demolition of existing garage and shed. Proposed new vehicular access to existing dwelling.	39 Dukes Avenue
Waltham Abbey			
30	EPF/1556/14	Outline application with all matters except access reserved for demolition of all existing structures except the farmhouse and erection of up to 72 dwellings (50% affordable) with	Former Haulage Yard Sewardstone Road

ancillary parking, access and gardens, along with the erection of a community building.

31 EPF/0026/15 Proposed new garage to front of existing house including new crossovers to house 3 and 1 crossover to house 5 existing reused. 3 Harrier Way

Part Allowed - with Conditions and Part Dismissed

Loughton

32 EPF/3012/14 Demolish garage and replace with two storey extension, 1m from boundary, with continuation of roof above. Attached garage to other side of house, 1.1m from boundary, with "granny flat/studio" above. Three front dormers. Two storey and single storey rear extensions. Associated alterations. 24 Alderton Hill

Enforcement Appeals

Dismissed

ENF/0103/14 Without planning permission the erection of brick wall and metal railings around the front garden of the land 108 - 110 High Street Epping

ENF/0241/14 Without planning permission the erection of a pergola situated to the front of the principle elevation of the dwelling house Lambourne Park Farm Hoe Lane Lambourne

ENF/0298/12 Building to be demolished as per EPF/2562/11 and Notice 1. Chase Farm Vicarage Lane North Weald Bassett

ENF/0499/12 Without planning permission the erection of a building for residential purposes Moor Hall Lodge Moor Hall Road Harlow

ENF/0630/12 Without planning permission the erection of a building described as "Barn" Lambourne Park Farm Hoe Lane Lambourne

Enforcement Appeal - Invalid, Notice Quashed

ENF/0504/13 Without planning permission the stationing of eight mobile homes/caravans for residential purposes on the land Logic Travel – Ricotta Transport Tylers Cross Nursery Epping Road Roydon

Enforcement Appeal: Allowed with Conditions , but Varied

ENF/0721/10 Without planning permission the material change in the use of the land from a mixed use for leisure and residential occupation of a caravan to the use of the land as a gypsy and traveller caravan site Plot 38, Roydon Lodge Chalet Estate High Street Roydon

Withdrawn Appeal

ENF/0479/14

Without Planning Permission the laying of a patio and pathway to the rear of the property which exceeds the permitted development height of 300mm above the highest level of the land.

42 Princes Road
Buckhurst Hill

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Appeal Decision

Hearing held on 25 August 2015

Site visit made on 25 August 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2015

Appeal Ref: APP/J1535/W/15/3033482

Former Haulage Yard, Sewardstone Road, Waltham Abbey, Essex, E4 7RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by E W Davies Farms Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1556/14, dated 26 June 2014, was refused by notice dated 19 November 2014.
 - The development proposed is demolition of all existing structures except the farmhouse and erection of up to 72 dwellings with ancillary parking, access and gardens, along with the erection of a community building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline form with access to be considered. Matters of appearance, landscaping, layout and scale are reserved for subsequent consideration. I have considered the appeal on this basis.
3. During the Hearing, the appellant withdrew a number of the drawings submitted with the planning application, relying only on drawings 'Site Location Plan', 13027_010, 13027_101A and ITB6205-GA-002D from the original submissions. Drawings 13027_110E, 13047_102B and 13027_112B accompanied the appeal documentation and were said to replace the previous drawings. All parties had the opportunity to consider the new drawings, which are in any case indicative, and I am satisfied that no party has been prejudiced. I have determined the appeal with regard to the drawings listed.

Main Issues

4. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and whether it would have a greater effect on the openness of the Green Belt;
 - (b) The effect on the character and appearance of the area;
 - (c) Whether the development would be suitably located in terms of access to services, facilities and sustainable modes of transport;
 - (d) The effect on local employment provision;

- (e) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and the effect on openness

5. Policy GB2A of the Epping Forest District Local Plan¹ (LP) restricts development in the Green Belt other than for specified purposes. This approach is consistent with the National Planning Policy Framework (the Framework) but it was highlighted by the appellant that less stringent restrictions are imposed by the latter. I agree that the policy is not entirely consistent with that of the Framework and as much more recently published national policy, I attach it greater weight.
6. Paragraph 79 of the Framework makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings are to be regarded as inappropriate development, subject to a number of express exceptions outlined in paragraph 89.
7. It is agreed between the parties that the southern part of the site, which contains a series of commercial buildings, along with large areas of hard standing, would constitute a previously developed site for the purposes of the Framework. I have no reason to disagree. Paragraph 89 allows for the redevelopment of such land, whether redundant or in continuing use (excluding temporary buildings). However, this is subject to the caveat that development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. According to the appellant, the proposed development would involve a combined building footprint of 3169sq.m compared to the existing combined footprint of 2539sq.m. It is also confirmed that that the combined area of hard standing and built footprint would increase on the site as a result of the development, albeit to a lesser extent. In addition to this, I was told that the proposed dwellings would extend up to 2.5 storeys in height, with ridge heights exceeding that of even the tallest building currently existing on the site. Consequently, it is clear that the volume of buildings would be much greater than the existing structures, many of which are single storey and low level.
9. Openness is epitomised by the absence of buildings and whilst the existing buildings on the site undoubtedly have an impact in this respect, the proposed increase in volume, height and massing would, in my view, result in a greater impact on openness. I also noted that parts of the site were currently void of built development, including the grassed area towards the front of the site. The indicative drawings indicate that these areas would necessarily be built over to accommodate the number of dwellings sought and this would dramatically alter the openness of these parts of the site.

¹ Comprising the Epping Forest District Local Plan (1998) and Local Plan Alterations (2006)

10. The appellant suggests that the site does not perform a function as Green Belt land but the site is washed over by the Green Belt and any impact on its openness would be at odds with its essential characteristics of openness and permanence. Whilst the part of the site to be developed is not undeveloped countryside, it nevertheless contributes to the characteristics and purposes of the Green Belt.
11. I note the appellant's assertion that the development would involve reconfiguration of the built form within the site, increasing permeability and creating green fingers through the development so as to maximise views compared to the large planned buildings existing. However, these are largely matters relating to the visual impact of the development and the character of the area. The courts have established² a clear distinction between the concept of openness and visual impact and the appellant recognised this distinction during the Hearing.
12. Whilst I have had regard to the comments of the appellant that matters of openness and visual impact are interlinked and I recognise that parallel conclusions might often be reached on the two matters, this does not alter the need to make a distinct judgement on both in the overall balancing exercise required by the Framework. For the reasons set out above, the development would have a greater impact on the openness of the Green Belt and would conflict with its defined purposes, specifically to assist in safeguarding the countryside from encroachment.
13. As a consequence, the development does not fall within the exceptions outlined in the Framework and the proposal would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with paragraph 88 of the Framework, I attach substantial weight to this harm.

Character and appearance

14. The appeal is accompanied by a 'Landscape and Visual Issues relating to the Green Belt' (Landscape Appraisal) report dated May 2015. This recognises the linear form of the existing settlement and the varied landscape characteristics surrounding the site. With reference to a landscape appraisal carried out by the Council³ it is concluded that the northern edge of the settlement has a low overall sensitivity in terms of both its landscape character and visual prominence. That said, it is also highlighted that the northern edge of the settlement, in the location of the site, is characterised by a soft green urban edge lined with trees, hedgerows and woodland.
15. The Lee Valley Regional Park provides a woodland backdrop beyond the site to the west, whilst the undeveloped pasture land in the northern part of the site provides a distinctly rural and verdant appearance on approach to the built-up area of the settlement. In my view, the developed part of the site offers a visual transition between these areas. The existing buildings are set well back from the public highway behind a group of trees (subject to an area Tree Preservation Order) and grassed area. The commercial buildings are rural in their appearance, owing to their largely agricultural origins. The structures are well related to one another, generally low in height and screened on the boundaries by existing landscaping. Whilst some of the buildings have large

² Timmins v Gedling Borough Council [2014]

³ Epping Forest District Council Landscape Character Assessment (2010)

- footprints, this is not uncommon for agricultural or similar rural buildings and this does not detract from the rural character of the area.
16. The proposed development would involve up to 72 dwellings which are shown indicatively to comprise a mix of house types, including detached, semi-detached and terraced properties over 2 or 2.5 storeys. Although smaller in footprint than many of the existing buildings on site, the proposed dwellings would cover a greater proportion of the site, including currently open areas. The buildings would also extend to a greater height across much of the site.
 17. The development would appear as a large residential development in the context of this rural settlement, resulting in an urbanising effect on its edge. This would be prominent from Sewardstone Road and Hawes Lane despite proposals for increased landscaping on the northern part of the site, which would take some time to mature. Furthermore, I walked the footpath along the southern boundary of the site and a further path within the Lee Valley Regional Park, shown as Viewpoint 6 in the appellants Landscape Appraisal. The site was clearly visible from the latter and whilst established landscaping on the southern boundary provided some screening, the development would remain a prominent feature in gaps and on approach from the direction of Enfield Island Village.
 18. The residential appearance of the development, its scale and visual prominence would be visually intrusive and harmful to the rural character of the area. Whilst the nature of the surrounding landscape, which is reasonably flat with field boundaries well enclosed by trees and hedgerows, would restrict long distance views of the development, it would nonetheless have significant and adverse impacts locally.
 19. I note that the development would serve to break up the massing of the existing large buildings by replacing them with buildings of a domestic scale, that views would be possible between gaps in the built form and that permeability would be improved for pedestrians on to the adjacent footpath. However, these matters do not alter my overall conclusions as to the visual impacts of the proposal. The development would harm the character and appearance of the area contrary to Policies CP1, LL1 and LL2 of the LP which require that development minimise impacts on the environment, respect or enhance the character of the landscape and conserve the character and appearance of the countryside. I attach significant weight to this harm.

Accessibility

20. Sewardstone is a small rural settlement which the appellant recognises as offering limited services and facilities compared to larger settlements. However, whilst encouraging sustainable patterns of development that encourage sustainable modes of travel such as walking and cycling, the Framework recognises that the opportunities for meeting these objectives will differ between urban and rural areas.
21. The Transport Accessibility and Sustainability Report accompanying the application identifies two public houses/restaurants and a hotel within Sewardstone and in close proximity to the site which would be accessible to future residents. It is also identified that a petrol station/convenience store is located around 1000m from the site. Whilst I acknowledge this, the presence of a petrol station is unlikely to promote the use of sustainable modes of

- transport and the associated shop is likely to provide only a very limited range of goods that would not meet the day to day needs of future residents.
22. A wider range of services and facilities is available at Enfield Island Village to the west of the site and accessible via the footpath and cycle route on the southern boundary of the site. This provides a Tesco Express store, gym, library and a doctor's surgery all within around 1,100m of the site according to the appellant. This wider range of services can be seen as accessible on foot or bicycle for many people but I noted the currently unlit nature of the paths leading from the site (though a developer obligation might be used to light the route) and its rural, largely secluded nature. It is unlikely that this would be an attractive route for unaccompanied children or other vulnerable people. Furthermore, the distance involved is likely to deter many people from walking and cycling.
23. The nearest bus stop to the site is located around 60m away on Sewardstone Road. The 505 route from these stops provides a 2 hourly service to Harlow and Chingford on Mondays to Saturdays with no service on Sundays or Bank Holidays. Services towards Chingford and its railway station commence at 7.14 with the latest return journey leaving Chingford station at 18.55. This offers a realistic opportunity for commuting, and making use of rail services to London but would offer limited flexibility given the infrequency of the service. A wider range of bus routes is provided at Enfield Island Village but again, this necessitates walking or cycling to an area that feels somewhat remote to Sewardstone itself.
24. It seems to me that there are limited opportunities for those committed to using sustainable modes of travel or that rely on such means to access some services and facilities in this way. However, access to many day to day facilities such as schools, hospitals and employment centres would require a lengthy or convoluted journey. I heard from local people that the existing bus services and facilities were not adequate and that elderly or immobile people find it very difficult to meet their day to day needs. In my view, the site cannot be seen as a location for residential development on this scale that is sustainable in accessibility terms. The distances from, and options for reaching day to day services and facilities, are likely to discourage sustainable patterns of movements and would instead lead to a reliance of private cars.
25. This would be contrary to the objectives of the Framework; as well as Policies CP1, CP3, CP6 and CP9 of the LP which, amongst other things, seek to minimise the impacts of development on the environment, reduce reliance of private cars, reduce commuting, ensure access by sustainable means of transport and generally promote sustainable patterns of development. This matter weighs against the grant of planning permission and I attach it significant weight.
26. I have had regard to the Council's resolution to grant planning permission (subject to S106) for 16 dwellings at Netherhouse Farm, close to the site. However, I do not agree with the appellant that this lends support to the appeal proposal in terms of the Council's conclusions on accessibility. The Council's Committee Report, provided during the Hearing, concludes that the site is not a sustainable location for development but that other matters outweigh the harm that would result in that case. As such, the resolution does not alter my conclusions on this matter.

Local employment

27. The proposal would include complete redevelopment of the site which is currently occupied by around 10 businesses and approximately 40-50 employees according to the appellant. The Council highlight the need to provide for a working countryside and facilitate local employment for people in rural areas. This approach is synonymous with the accessibility considerations set out above in that providing local employment opportunities reduces the need to travel.
28. A Commercial Viability Assessment (May 2015) accompanies the appeal documentation which involves an analysis of the existing buildings. It concludes that the predominantly former agricultural buildings are poorly suited to the commercial uses currently operating, that they do not meet modern day requirements and are reaching the end of their economic life. It highlights the availability of other commercial premises in the local area that could accommodate the relocation of displaced businesses. I also heard that existing occupiers were holding over on expired leases and that they were aware of the potential redevelopment.
29. I heard from an existing business owner occupying the site who found the existing buildings and facilities to be adequate for his business needs. Furthermore, it was suggested that the location of the unit was vital to maintaining the largely local trade that was attracted.
30. Whilst this is so, the Council was unable to offer any contrary evidence as to the commercial viability of the buildings or with respect to local employment needs in the area. Under these circumstances I can attach only limited weight to the need for retention of the employment use, particularly given the general unsuitability of the existing buildings for modern requirements. This is particularly so, given that Policy E4A specifically makes provision for the release of employment land for housing under these circumstances.
31. However, the weight that I attach to the Commercial Viability Assessment is all limited given that the site currently accommodates 10 businesses and there appeared to be no difficulty in the appellant finding occupiers for the buildings. Whilst the buildings may not meet modern requirements for many businesses, the site is clearly providing important employment opportunities for local people and contributing to a prosperous rural economy, a key objective of the Framework.
32. Overall, whilst it would be regrettable that local employment would be lost, I find no conflict with Policies CP1, CP3, CP6 and E4A of the LP, which whilst seeking to protect local employment where possible, allow for redevelopment where the site is unsuitable or uneconomic to redevelop for employment purposes. This is notwithstanding objectives to promote local employment and avoid the need to travel. Whilst I have not found a conflict with the development plan based on the evidence before me, the loss of employment cannot be considered to weigh in favour of the development and this is a neutral factor in my determination.

Other considerations

33. It is agreed between the parties that the Council cannot currently demonstrate a deliverable five year supply of housing sites as required by paragraph 47 of

the Framework and that consequently there is a housing need, including for affordable housing. In the context of the need to boost significantly the supply of housing and to deliver a mix of quality house types, the provision of up to 72 dwellings, 50% of which would be affordable units, weighs significantly in favour of granting planning permission, particularly as the site involves previously developed land.

34. The appellant highlights the presumption in favour of sustainable development advocated by the Framework and suggests that the decision taking criteria set out in paragraph 14 should apply in the absence of a 5 year housing land supply and up to date policies for the supply of housing. However, footnote 9 associated with this paragraph makes it clear that land designated as Green Belt is one example of a specific policy in the Framework which indicates that development should be restricted. Given the harm to the Green Belt that I have identified, the decision taking criteria set out in paragraph 14 are not engaged.
35. I have noted the proposed provision of a community building and a large area of open space as part of the development for use by future residents and existing people in the area. However, it was accepted during the Hearing that these elements of the scheme were offered as planning obligations as a benefit to local people rather than to mitigate the impact of the proposed development. This was agreed to be the case by both parties and no evidence is before me to suggest that such facilities are needed to make the development acceptable in planning terms or that they are fairly and reasonably related to the development in scale and kind. As such, the obligations would not meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I cannot take them into account.
36. Other planning obligations are proposed and a Unilateral Undertaking was provided during the Hearing. There is no dispute between the parties that these obligations are necessary but I need only consider this matter in detail in the event that planning permission is granted.
37. A series of highway improvements are proposed as part of the development in order to facilitate safe access to the site and these would have broader safety benefits for existing users of the highway according to the Local Highway Authority. This is a benefit to which I attach significant weight.
38. I have had regard to the petition supporting the proposed development but as this does not explain the reasons for support, I can attach it only limited weight. This is particularly so as I have also received a number of detailed comments from local people objecting to the proposal.

Conclusion

39. I have identified that the proposed scheme would harm the openness of the Green Belt and represent inappropriate development in the Green Belt for the purposes of the Framework. In addition, the development would harm the character and appearance of the area and would lead to a reliance on the use of private vehicles as opposed to sustainable modes of travel. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the

very special circumstances necessary to justify the development have not been demonstrated. As such, I conclude that the appeal should be dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Simmonds	Agent
Gary Soltys	Landscape Architect
Neil Marshall	Transport Consultant
Hugh Morgan	Chartered Surveyor
Andrew Davies	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Dominic Duffin	Planning Officer
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INTERESTED PERSONS:

Ian Barnard	Local resident
Mr Hardy	Local resident
Mr Houghton	Local resident
Mrs Houghton	Local resident
Councillor Lea	Local Councillor
Councillor Shiels	Local Councillor

DOCUMENTS

Document 1	Unilateral Undertaking dated 24 August 2015
Document 2	Timetable for bus route 505
Document 3	Appellant's floor area calculations and comparisons
Document 4	Landscape Strategy Plan (1:500 @ A1 copy)
Document 5	Committee Report relating to proposal at Netherhouse Farm
Document 6	Updated Personal Accident Injury Data

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